US. DEPARTMENT OF ENERGY OFFICE OF SCIENCE

Quality Assurance Plans for the Preparation, Review and Approval of Environmental Impact Statements and Environmental Assessments

February 25, 2002

SECTION I

TABLE OF CONTENTS

QUALITY ASSURANCE PLAN FOR ENVIRONMENTAL IMPACT STATEMENTS

TABLES

APPENDICIES

Chapter

1

1 Introduction

The National Environmental Policy Act (NEPA) is the federal government's basic charter for protection and wise use of the environment. The Council on Environmental Quality (CEQ) has the responsibility for implementing the NEPA process that enables federal decision makers to factor environmental values and consequences into decisions on major federal actions such as the adoption of official policy, formal plans, and programs, and for the approval of specific projects. The NEPA process provides a service to the decision maker by enabling an informed decision that considers environmental consequences along with other decision criteria (i.e., mission considerations, cost, schedule, etc.). The NEPA process also is a service to the public by enabling public input into potential federal decisions and by providing public disclosure of agency actions that affect the environment. The NEPA process therefore enables the agency to achieve the results, outcomes, and products that respond to the goals of the Act and the goals of the CEQ regulations: quality federal decisions that protect, restore, and enhance the quality of the human environment.

NEPA is implemented through procedural provisions that provide for the preparation of Environmental Impact Statements as a tool to inform decision makers and the public regarding the consequences of Federal actions. The EIS serves as an action-forcing device to ensure that the policies and goals defined in the National Environmental Policy Act are infused into the ongoing programs and actions of the Federal Government. The EIS provides a full and fair discussion of significant environmental impacts and informs decision makers and the public of the reasonable alternatives that may avoid or minimize adverse impacts or enhance the quality of the human environment.

The Department's Office of Science (SC) has used the EIS process to support program and project decision making. The EISs prepared under SC's purview have lead to Records of Decision (RODs) and have assisted decision makers with evaluating reasonable alternatives and making choices that best serve the needs of the human environment and the Department.

The NEPA process and the preparation of EISs are closely linked to the DOE federal piece of Integrated Safety Management (ISM). The EIS process assists

DOE in decisionmaking early in project and program planning, prior to the "go/no go" decision point. The five functions of ISM (define the scope of work, analyze the hazards, develop and implement controls, perform the work within controls, and provide feedback and improvement) are represented in the principal elements of an EIS. The proposed action and the alternatives considered in an EIS represent the formal definition of the scope of work. Analysis of hazards is accomplished through the evaluation of potential environmental impacts from the alternatives. The Record of Decision (ROD) defines the work to be accomplished and provides the basis for completing the proposed action. Feedback and continuous improvement are accomplished through identification of EIS lessons learned and the sharing of other valuable experiences as coordinated through the SC NCO. Feedback and improvement also occur through the use of a mitigation action plan (MAP), when appropriate. The MAP, a requirement under 10 CFR 1021.331, explains how the corresponding mitigation measures, designed to mitigate adverse environmental impacts associated the course of action directed by the ROD, will be planned and implemented. An annual MAP report is required that provides a status of the mitigation activities for each MAP. Thus, the EIS is a key environmental application of ISM.

To ensure that the use of EISs by SC continues to enable quality decisions, public disclosure, and environmental protection, quality assurance (QA) planning is essential. This QA Plan for the conduct and management of the EIS process will enable the process to be timely; documents will be of high quality with accurate information; and the review process will result in objectivity. It will provide for the continuation of the QA infrastructure within SC that supports the NEPA process (both at SC HQ and in the field), and it will enable quality decision making both within the NEPA process and with respect to the environment. The QA Plan will assist SC HQ in assuring that its EISs meet DOE's expectations for quality, adequacy, completeness and legal sufficiency.

Chapter

2

2. Scope and Applicability

This QA Plan follows the format of 10 CFR 830.120, "Quality Assurance Requirements". This plan defines and summarizes SC's policy, procedures, and requirements for implementing a comprehensive QA program for the preparation, review, and approval of EISs and for their use as a service in decision-making.

This QA Plan is part of SC's program of QA and continuous improvement related to the use of NEPA documents, the results of which have been described and summarized in several of the SC NEPA Compliance Officer's (NCO) Annual Program Summaries (*Refs. 1, 2, 3, 4*). The SC QA document for Environmental Assessments is contained in the EA QA Plan (SC NCO Communication 94-04 Revision 1, July 2000).

The procedures set forth in this QA Plan will be applied by the program elements in SC HQ. This QA Plan will be applied by the SC HQ NCO and program elements in providing assistance to the Operations Offices in SC's role as Lead Program Secretarial Officer responsible for providing management overview of the Operations Offices, and as Cognizant Secretarial Officer responsible for operations at eleven National Laboratories. These responsibilities are outlined in the *Office of Science Stewardship Functions, Responsibilities, and Authorities Document* (the SC "FRA Document"). SC will also use this QA Plan for review of SC HQ EISs (including Site-wides, and Programmatics), and Field Organization EISs for SC specific projects.

In addition, this EIS QA Plan provides general guidance on what needs to be done within the SC Headquarters management system to assure quality in the management and preparation of an EIS and in its public process. This Plan does not contain all of the specifics on the preparation of an EIS or specifics on the public process. DOE's guidance and procedures are cited within this document to assist with the details.

Chapter

3

3. PRIMARY REGULATIONS, PROCEDURES, GUIDANCE AND OTHER NEPA TOOLS

Federal regulations, requirements, Executive Orders, and guidance applicable to the successful implementation of NEPA's procedural provisions are provided in DOE's August 1998 National Environmental Policy Act Compliance Guide, Volume I (see section 3.3 below). Volume II of the DOE NEPA Compliance Guide contains the Department's implementing regulations and related internal requirements, guidance documents, process improvement studies, and other helpful reference materials. The DOE NEPA Compliance guides are not static in nature and new CEQ guidance, and Executive Orders can be found on the CEQ NEPAnet at:
(http://ceq.eh.doe.gov/nepa/nepanet.htm) and
DOE guidance and lessons learned can be found on the DOE NEPA Web (http://tis.eh.doe.gov/nepa). The Office of Science will use these tools containing NEPA references as the standards to be used in the preparation, review and approval of EISs that meet the Department's expectations for quality, completeness, and adequacy. This QA Plan describes how these tools will be used and how their use will be managed.

SC will incorporate by example and reference SC's lessons learned from experiences gained during the NEPA process for recent EISs. These lessons learned will supplement the DOE NEPA Compliance Guide with SC specific information.

For convenience, the primary Federal, Departmental, and Office of Science (formerly Office of Energy Research) references are listed below. Copies of these materials are available from the SC NCO. Additionally, most of these reference sources can be found on the DOE NEPA web site maintained by the DOE Office of Environment, Safety and Health (EH) and on the SC NEPA web site:

DOE NEPA Web - http://www.eh.doe.gov/nepa

SC NEPA Web Site - http://www.sc.doe.gov/SC-80/SC-83/nepacomp.htm

3.1 Federal Regulations and Guidance

- The National Environmental Policy Act of 1969, As Amended.
- 40 CFR 1500-1508, "Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act."
- Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 55 FR 18026.
- Council on Environmental Quality, "Considering Cumulative Effects Under the National Environmental Policy Act", January 1997.
- U.S. Environmental Protection Agency, "Consideration of Cumulative Impacts in EPA Review of NEPA Documents", EPA 315-R-99-002, May 1999.
- Council on Environmental Quality, "Environmental Justice: Guidance Under the National Environmental Policy Act", December 1997.
- U.S. Environmental Protection Agency, "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Activities", April 1998.
- 36 CFR 800, "Protection of Historic Properties; Recommended Approach for Consultation on Recovery of Significant Information From Archaeological Sites; Final Rule and Notice", Advisory Council on Historic Preservation, May 18, 1999 (64 FR 27044).

3.2 Executive Orders

- Executive Order 13212 - Actions To Expedite Energy-Related Projects (18 May 2001)
- Executive Order 13211 - Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (18 May 2001)
- Executive Order 13175 - Consultation and Coordination With Indian Tribal Governments (6 November 2000)
- Executive Order 13158 - Marine Protected Areas. (26 May 2000)
- Executive Order 13148 - Greening the Government Through Leadership in Environmental Management (21 April 2000)

- Executive Order 13149 - Greening the Government Through Federal Fleet and Transportation Efficiency (21 April 2000)
- Executive Order 13150 - Federal Workforce Transportation (21 April 2000)
- Executive Order 13141 - Environmental Review of Trade Agreements (16 November 1999)
- Executive Order 13134 - Developing and Promoting Biobased and Bioenergy (12 August 1999)
- Executive Order 13123 - Greening the Government Through Efficient Energy Management (4 June 1999)
- Executive Order 13112 - Invasive Species (3 February 1999)
- Executive Order 13101 - Greening the Government through Waste Prevention, Recycling, and Federal Acquisition (14 September 1998)
- Executive Order 13089 - Coral Reef Protection (11 June 1998)
- Executive Order 13057 - Federal Actions in the Lake Tahoe Region (26 July 1997)
- Executive Order 13045 - Protection of Children from Environmental Health Risks and Safety Risks (21 April 1997)
- Executive Order 13006 - Locating Federal Facilities on Historic Properties in our Nation's Central Cities (21 May 1996)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (11 February 1994)
- Executive Order 12902 - Energy Efficiency and Water Conservation at Federal Facilities (8 March 1994)
- Executive Order 12889 - Implementation of the North American Free Trade Agreement (28 December 1993)
- Executive Order 12843 - Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances (21 April 1993)
- Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (4 January 1979)

- Executive Order 12088, Federal Compliance with Pollution Control Standards (13 October 1978)

- Executive Order 11514, Protection and Enhancement of Environmental Quality (3/1970) as amended by Executive Order 11911 (24 May 1977)

- Executive Order 11988, Floodplain Management (24 May 1977)

- Executive Order 11990, Protection of Wetlands (24 May 1977)

3.3 Department of Energy

- 10 CFR 1021, "Department of Energy National Environmental Policy Act Implementing Procedures and Guidelines."

- 10 CFR 1022, "Department of Energy Compliance with Floodplain/Wetlands Environmental Review Requirements."

- "Secretarial Policy Statement on the National Environmental Policy Act," Office of the Secretary, June 13, 1994.

- DOE Order 451.1B Chng 1, “National Environmental Policy Act Compliance Program.”

- DOE Order 481.1, "Non-Department of Energy Funded Work (Work for Others)."

- DOE Order, 430.1 “Life Cycle Asset Management”

- DOE Order 5700.6C, "Quality Assurance."

- "Quality Assurance Program: A Total Management System, Office of Nuclear Safety Policy and Standards, May 1992. [Contains DOE Order 5700.6C, along with explanatory guidance]

3.3 DOE Office of Environment, Safety and Health

- Mini-guidance Articles from Lessons Learned Quarterly Reports (November, 2000)

- Clean Air Act General Conformity Requirements and the NEPA Process (April, 2000)

NEPA Compliance Guide

- Memorandum from the Assistant Secretary for Environment, Safety and Health:"Volumes I and II of the Department of Energy National Policy Act Compliance Guide," (August 24, 1998)

- NEPA Compliance Guide Volume I (August 1998)

Part I. The Law and Council on Environmental Quality (CEQ) Regulations

Part II. Executive Orders Concerning Environmental Matters (Selection)

Part III. CEQ Guidance Documents (Selection)

Part IV. Policies from Other Federal Agencies (Selection)

- NEPA Compliance Guide Volume II (August 1998)

Part I. Regulations, Policy and Orders

Part II. Preparation of NEPA Documents

Part III. Site-wide NEPA Reviews

Part IV. Public Participation

Part V. NEPA Process Improvement

Part VI. Other Department of Energy NEPA References

Document Preparation

- Environmental Impact Statement Summary Guidance (September 1998)
- Recommendations for the Preparations of EAs and EISs (May 1993)
- Environmental Impact Statement Checklist (November 1997)
- Glossary of Terms Used in DOE NEPA Documents (September 1998)
- CEQ's Environmental Justice Guidance (December 1997)
- CEQ's Cumulative Effects Guidance (January 1997)

Contracting

- A Brief Guide: Department of Energy-wide Contracts for NEPA Documentation (August 1998)
- NEPA Contracting Reform Guidance (December 1996)

Public Participation

- Effective Public Participation under the National Environmental Policy Act, Second Edition (August 1998)
- Stakeholders Directory 15th Edition (January 2001)

ES&H Electronic Publishing Guidance

- NEPA Document Electronic Publishing Standards and Guidelines (October 1998)
- DOE NEPA Document Certification and Transmittal Form (October 1998)

Other

- National Partnership for Reinventing Government (NPR) - Plain Language Action Network
- Environmental Law & Related Documents from IULaw

3.4 DOE Office of Science

- Annotated Bibliography of the Office of Science Environmental Assessments (EA) and Environmental Impact Statements (EIS) Completed Since Secretary of Energy Notice (SEN) 15-90, ER NCO Communication 92-07, Revision 4, June 2000.
- Office of Science, Quality Assurance Plan for Environmental Assessments, ER NCO Communication 94-04, Revision 1, July 2000.

Chapter

4

4. ORGANIZATIONAL ROLES AND RESPONSIBILITIES

The organizational placement of the Office of Science (SC) within the Department and the organizational structure of SC is shown in Appendix A. SC is an integral part of the Department's Energy, Science and Environment program reporting to the Under Secretary. Within SC, the Office of Laboratory Operations and Environment, Safety and Health (SC-80) coordinates infrastructure, ES&H, and construction management activities within the SC science programs and between the field, laboratories, DOE HQ, and other agencies. The ES&H Division (SC-83) is the central focal point for ES&H matters, including NEPA, within SC-80 and SC HQ.

4.1 Director of the Office of Science (SC-1)

DOE Order 451.1B stipulates the responsibilities of secretarial officers for implementing NEPA's procedural provisions. SC-1 is responsible for ensuring the preparation of an environmental impact statement or SC Proposals and forwarding it to the Assistant Secretary for Environment, Safety and Health for approval. In addition to meeting requirements established in the Regulations, responsibilities include the items below

- Submitting a notice of intent to prepare an environmental impact statement to the Assistant Secretary for Environment, Safety and Health for issuance.

- Issuing a record of decision for an environmental impact statement, after obtaining the concurrence of the Assistant Secretary for Environment, Safety and Health in its environmental content and ensuring that DOE counsel concurs in its legal adequacy.

- Preparing any mitigation action plan required under the DOE Regulations before taking an action that is the subject of a mitigation commitment made in a record of decision.

- Tracking and annually reporting progress made in implementing, and the effectiveness of, any mitigation commitment made in a record of decision.

4.2 Office of Laboratory Operations and Environment, Safety and Health (SC-80); and the Environment, Safety and Health Division (SC-83)

SC-80 consists of three divisions: the Construction Management Support Division (SC-81), the Laboratory Infrastructure Division (SC-82), and the Environment, Safety and Health Division (SC-83). The mission of SC-80 is to provide leadership and a corporate focal point in areas of operations, construction management, infrastructure, and ES&H, in order to support the conduct of world-class science at SC laboratories. The goals of SC-80 are as follows:

- Ensure that required programmatic facilities are constructed on time, and within scope and schedule
- Ensure that general purpose infrastructure are mission ready,
- Ensure that environment, safety, and health (ES&H) are fully integrated with research and support activities and are conducted in a manner that is protective of the workers, the public and the environment
- Ensure that operations reflect cost effective and efficient stewardship of Department of Energy (DOE) funding and assets

SC-83 provides the ES&H technical expertise for SC HQ and serves as a resource to the field elements that implement research activities sponsored by SC. SC-83 consists of ES&H professionals with a variety of disciplines that enable SC to utilize a systematic and interdisciplinary approach to ensure the integrated use of the natural, social, engineering, and environmental sciences in SC planning and decision making. SC-83 provides overall crosscutting coordination of ES&H and technical support for SC. This includes the broad QA elements of ES&H including: planning and leadership; technical support to the SC program and field elements; policy development; standards, guidance and procedures development; communications development and coordination; training and workshops; and lessons learned and continuous improvement initiatives. The SC NCO is located within the SC-83 organization.

4.3 Office of Science NEPA Compliance Officer

The SC NCO has the responsibilities and authorities as defined and stated in:

- DOE Order 451.1B Chng.1
- July 15, 1992, EH memorandum on the role of the NCO; and the June 13, 1994, Secretarial Policy Statement on NEPA.

These are found in the DOE NEPA Compliance Guide. The NCO is responsible for overseeing SC's implementation of NEPA's procedural provisions that are defined in 40

CFR 1500-1508, 10 CFR 1021, and the other requirements, regulations, policies, and procedures identified in this QA Plan. Additionally, the SC Stewardship Functions, Responsibilities, and Authorities Document (dated June 2000) includes the preparation, review and approval of NEPA documentation under the Integrated Safety Management function of analyzing hazards. The SC NCO oversees the NEPA portion of that function for SC HQ. The NCO reports to SC-1 through the SC-83 Division Director and the SC-80 Associate Director.

The General Responsibilities of the Office of Science NCO are:

- Providing assistance to and enabling the SC Program Offices and NEPA Document Managers in their line management responsibility for implementing NEPA and effectively utilizing the EIS process to support planning and decision making, as part of SC's stewardship of science;
- Assuring the integrity of the EIS process and assuring that EISs prepared under the purview of SC HQ meet DOE's standards for quality and adequacy;
- Assuring quality assurance and continuous improvement in the implementation of NEPA and the SC EIS process by using the principles of Quality Assurance (DOE Order 5700.6C), as appropriate;
- Working with the Field Organization NCOs to ensure the quality of EISs prepared under the purview of the Field Organizations in support of decision making on SC-sponsored actions, projects, and research activities,
- Review and concur in all of the formal elements of the document management process for all EISs under the purview of SC HQ, as well as those EISs under the purview of Field Organizations for SC sponsored activities administered by the Field.

4.4 Office of Science Program Associate Director Offices

The SC Program Associate Director Offices constitute the HQ line management for sponsorship of the SC scientific and research mission. Line management is responsible for implementation of NEPA's procedural provisions in order to support project and program planning and decision-making. The initial role of the Associate Directors are to provide for the funding of the EIS preparation process, and procure contractor technical assistance when that is needed (as per section 6.2.3 below). The SC Program Associate Directors are the primary "owners" of SC's EISs.

Each of SCs four Program Associate Director Offices contain one staff representative who serves as the ES&H representative and the official "NEPA Contact" to receive correspondence and information from the DOE Office of NEPA Policy and Assistance (EH-42). Each NEPA Contact also has been provided with a copy of the DOE NEPA Compliance Guide. The NEPA Contacts provide assistance to the Program Office Research Program Managers who are responsible for the planning, cost, schedule, and management of the research projects and programs governed by DOE Order 430.1 (and

other requirements) and for integrating the NEPA process with project planning and scheduling.

4.5 Office of Science NEPA Document Managers

For those EISs prepared under the purview of SC HQ, a staff member of the sponsoring SC HQ Program Associate Director Office normally will serve as the NEPA Document Manager (NDM). This individual may be a Research Program Manager or the Program Office's NEPA Contact. The role of the NDM is defined and explained in several DOE documents: the Secretary's June 13, 1994, NEPA Policy Statement; DOE Order 451.1B Chng. 1 on NEPA; and the DOE NEPA Contracting Reform Guidance of December 1996 (all of which are found in the DOE NEPA Compliance Guide). Additionally, the SC and Chicago Operations Office NCOs have collaborated to prepare practical guidance for SC's NDMs that is based on recent experiences, both at HQ and in the field. Guidance documents for NDMs are included as Appendix B. In this NDM role, the SC Program Offices have the responsibility for implementing the EIS document preparation, management, review and approval process by:

- Scheduling the EIS process within the overall SC project management process so that it is completed in a timely and cost effective manner;
- Coordinating and stewarding the SC HQ NEPA review, concurrence, and approval process;
- Utilizing a NEPA document management committee of internal SC and DOE stakeholders to review and concur in the preparation of the EIS;
- Ensuring that the public participation process is undertaken with a spirit of openness and full disclosure and that comments from public reviews are taken into consideration when applicable.
- Reviewing and commenting on EISs prepared under their purview, especially those aspects of the EIS that describe and analyze the technical and scientific features of the project;
- Communicating comments and revision needs on EISs for their projects to the EIS authors and/or laboratory sponsors through the Operations Offices;
- Managing the quality and adequacy of the EISs and consulting and coordinating with the SC NCO;
- Preparing an EH Lessons Learned survey after the completion of the EIS process (see section 6.3.1 below);
- Providing for creation and maintenance of the administrative record on the EIS process (see section 6.1.4 below).

4.6 SC Program Managers

For those EISs prepared for SC activities under the purview of a Field Organization, a program manager (PM) of the sponsoring SC HQ Program Associate Director Office (AD) normally will serve as the line management point of contact. The assigned PM will

coordinate with the Associate Director's NEPA Contact, the SC NCO, and the field NDM. The line PM's responsibilities are similar to the HQ coordination role of the NDM for an EIS. The PM's responsibilities are as follows:

- Coordinating and stewarding the SC HQ review, concurrence, and approval process, with assistance and advice from the SC NCO.
- Reviewing and commenting on the EIS, especially the program and technical features of the project being analyzed.
- Communicating SC HQ comments and revision needs to the NDM in the field.
- Consulting and coordinating with the SC NCO
- Assisting and maintaining the EIS Administrative Record.
- Serving as the champion for supporting the cost and schedule of the EIS in SC HQ.

Chapter

5

5. ENVIRONMENTAL IMPACT STATEMENT MANAGEMENT PROCESS

It is SC's goal to prepare EISs that assist in planning and decision making, focus on the issues ripe for decision making, and meet DOE's standards for quality and adequacy. These EISs will be as brief and concise as possible, and will be written in plain language and use appropriate graphics so that decision makers and the public can readily understand them, as recommended by CEQ (40 CFR 1502.8).

The EIS document management process at SC HQ will consist of the management and supervision of all of the process elements related to EISs under the purview of SC HQ. The roles and responsibilities of the managers and staff involved with the SC HQ EIS process will be as specified in Chapter 4 above of this QA Plan. This process will utilize all of the infrastructure and QA elements necessary to assure timeliness and quality of the documentation in support of quality decision-making by SC. This EIS document management process will be implemented as early as possible in the project or program planning cycle by the NDM. This process will consist of the following elements:

- Notice of Intent to Prepare an EIS;
- Internal Scoping
- Public scoping process;
- Draft EIS preparation,
- Public Comment period,
- Incorporation of public comments and revision of the draft EIS,
- Issuance of the Final EIS,

- Issuance of the Record of Decision and
- Preparation and use of a mitigation action plan, when appropriate.

This process also will apply to the adoption by DOE of another federal agency's EIS when that is appropriate. The steps and milestones in the EIS document management process that should be followed are summarized in Chapter 6.

Chapter

6

6. ENVIRONMENTAL IMPACT STATEMENT QUALITY ASSURANCE APPROACH

The SC HQ NCO will provide for and steward the QA infrastructure that supports the SC HQ EIS document management process and its continuous improvement, as well as the use of EISs by SC management in supporting planning and quality decisions. This QA approach bridges the SC HQ programs, as well as the Operations Offices and National Laboratories that conduct SC-sponsored research. This approach will include implementation of the applicable quality assurance criteria in the areas of management, performance, and assessment as identified in DOE Order 5700.6C – Quality Assurance Requirements. It is based on the underlying principles and value-added requirements contained in the May 1992 QA guidance document that accompanied the QA Requirements. (see *Ref. 9*). SC's approach to the EIS process is summarized below.

6.1 Management

Criterion 1: Program

The organizational structure of SC, along with the roles and responsibilities of the management and staff with authority and responsibility for implementing NEPA relative to EISs, will be as described in Chapter 4 above. The principle senior managers, supervisors, program managers, the NCO, and the NDM are those who manage, perform, and assess the adequacy of work and the quality of the NEPA Process and the EIS documents that support SC's project and program planning and decision making. These individuals are responsible for timing, scheduling, and managing the cost of the SC HQ EIS process.

The current SC Strategic Plan dated June 1999 (*Ref. 10*) contains the organization's mission, policies, and objectives. The integration of ES&H with the research mission is a fundamental tenant of the SC program. The SC Strategic Plan states that, "Research funds will be applied as necessary to ensure that all activities are conducted safely and in an environmentally conscientious manner…" Implementation of the NEPA process is one way this is achieved. SC uses a

proactive Integrated Safety Management (ISM) approach to ES&H (including NEPA) that emphasizes preventing or eliminating hazards and environmental impacts. This is preferred over an approach that uses mitigative measures and administrative controls. The principal vehicle for achieving these results is to integrate ES&H and quality into program planning, budgeting, and execution of SC research programs. Early integration of NEPA into the planning process allows NEPA to stay off of the critical path of SC's projects, thereby helping to keep projects on schedule, within budget, and allowing SC's science mission to be fulfilled. SC encourages the Program Offices to initiate internal scoping early in the planning phases of a project. Members of the internal scoping team should be representative of all DOE NEPA Programs that may have a stake in the decisions to be made in the Record of Decision. Members of the internal scoping team should be in positions of authority such that they can speak for the DOE Program Office that they represent.

Criterion 2: Personnel Training and Qualifications

The SC HQ NCO will be a qualified environmental and NEPA professional by background and experience. The NCO will attend and actively participate in the DOE NCO meetings sponsored by EH. This is done in order to obtain current information and training and then to distribute relevant information to the SC Program Offices and field elements, as appropriate. Other NEPA-related and environmental training opportunities are available to the NCO through the SC and DOE training programs.

The SC HQ senior managers, supervisors, program managers, and other HQ staff have been and will continue to be provided NEPA and environmental compliance training courses organized by the SC HQ NCO. Such periodic awareness and update of training will continue, as needed and as appropriate. The SC Program Office NEPA Contacts and any current NEPA Document Managers are included on the EH distribution list to receive guidance materials and invitations to DOE NEPA community meetings and training sessions. Under the requirements in Section 5(d)(9) of DOE Order 451.1B, the SC HQ NCO is responsible for coordinating NEPA training for SC HQ. The NCO's function also includes interpreting NEPA requirements, procedures, and guidance for SC and enabling their understanding by SC managers and staff. This, also, is a form of training and teaching NEPA.

The SC HQ NCO will ensure that SC HQ personnel are capable of performing their NEPA process responsibilities by providing an infrastructure and continuous improvement program of NEPA materials, process tools, procedures, guidance, information, lessons learned, assessment, and training. This may include periodic SC NEPA Workshops similar to those held since 1991 in conjunction with the Semiannual ES&H Coordination Meetings sponsored by SC-80. The SC "Training Needs Survey in NEPA Implementation" (*Ref. 11*) addressed specific needs of SC throughout the organization. This tool may be revisited periodically as appropriate.

This infrastructure will be designed to promote higher levels of quality in SC's NEPA products and services related to the decisions under review at SC HQ.

Criterion 3: Quality Improvement

SC will continue to encourage its employees to improve NEPA's products and services. SC will continue to monitor, detect and prevent quality problems in the EIS process and to ensure continuous improvement in support of quality decision-making. This may include the sharing of the SC NCO's Lessons Learned Report to EH, as well as the NDM's Lessons Learned Report, as appropriate, at the end of each NEPA document process. The NCO also may facilitate periodic meetings between former NDMs and new NDMs to enable the sharing of helpful information, at the appropriate times. In addition, SC will continue to utilize NEPA Workshops and seminars as a means to focus on continuous improvement, successes, problem solving, and issue resolution.

SC used the lessons learned approach during the development of the "National Environmental Policy Act Document Manager Guidance" (Appendix B). The SC NCO with Chicago, Richland and Oakland NCOs, combined historic knowledge of DOE's NEPA process to develop this guidance.

The EH "Green Book" and other guidance contained in the DOE NEPA Compliance Guide and on the DOE NEPA Web page (www.eh.doe.gov/nepa/) will be used in the preparation and review of EISs at SC HQ. The internal scoping of SC EISs will be used to ensure that the documents and the NEPA process are focused on the proper issues and will be completed in a timely manner to support decision-making. The SC NDM (in consultation with the SC HQ NCO) will coordinate the concurrent review of draft EISs and associated NEPA documentation by individuals and organizations with the proper expertise to ensure document quality and to make certain that the best interests of SC and the Department are being considered. This will include the DOE Office of General Counsel (GC-51) and EH. This concurrent review will be coordinated as much as possible through the use of electronic mail for transfer of documents and comments.

The SC infrastructure for quality improvement in the EIS includes encouraging individuals and organizations to examine their work processes and make suggestions for quality improvement, so that the process becomes timely and efficient and leads to positive results. This process quality improvement is supported by an infrastructure of electronic communications, training, regular workshops, lessons learned analyses, and guidance and procedures that bridge SC programs and provide for consistency across SC. SC employees are encouraged to examine their NEPA work and to make suggestions for improving SC's `NEPA products and services'. As a research community, SC will endeavor to be on the 'cutting edge' of innovative approaches to implementing NEPA and all needed environmental protection programs. SC's past problems and successes in the NEPA

process provide opportunities for learning and for improvement, just as do problems and successes in the scientific research process. SC welcomes suggestions and innovative ways to improve quality, efficiency, and the effectiveness of environmental protection as part of the scientific mission.

Criterion 4. Documents and Records.

An administrative record is required for each EIS prepared by DOE. The SC HQ NDM will be responsible for development, control and maintenance of the record. In general, the administrative record will consist of all documents (hard copies, electronic files, overhead slides, pictures, public/stakeholder comments, transcripts of public meetings, other documents or records) relied upon in preparing the EIS, as well as those that were considered by the decision maker in arriving at any decisions. The administrative record documents DOE's consideration of all relevant and reasonable factors and should include evidence of diverging opinions and criticisms of the proposed action and its reasonable alternatives, where they may exist. Overall, it should document that DOE took the "hard look" at the proposed action and its reasonable alternatives that is required by law (*Ref. 12*). Federal agency decisions under NEPA are subject to judicial review, and a well developed administrative record provides protection against a lawsuit that could challenge DOE's decisions and its decision making process, and thus have far-reaching effects on proposed projects or programs. The administrative record also demonstrates that DOE followed the proper process in complying with NEPA's procedural provisions. Where there may be questions on aspects of the administrative record, the SC HQ NCO should be consulted.

6.2 Performance

Criterion 5: Work Processes

The EISs used to support SC HQ decision-making will be prepared, reviewed, approved, and issued according to DOE and SC policies, procedures and requirements. The SC HQ EIS management process will be as summarized under this criterion, which constitutes one means of quality control.

The general requirements for the content of an EIS and its public process that are to be followed are found in the CEQ regulations at 40 CFR 1502 and in DOE's NEPA regulations at 10 CFR 1021.300. The compilation of DOE's process, procedures, requirements, and guidance for preparation of EISs and conduct of the NEPA process in general is contained in the DOE NEPA Compliance Guide, Volumes I and II. This Guide should be consulted throughout the management of the EIS process. The specific steps and milestones in the SC HQ EIS document management process that should be followed are summarized below. The order in which these work process elements occur may vary, depending on the management decisions on conducting the process. Following the text, there is a summary chart that describes the actions and responsible parties involved in the process.

a. **Determination to Prepare an EIS** - The DOE NEPA regulations, at 10 CFR 1021.200(b), stipulate that:

> "DOE shall begin its NEPA review as soon as possible after the time that DOE proposes an action or is presented with a proposal."

It is the responsibility of the SC Program Associate Director's (PAD) Office in coordination with the SC NCO to determine if the proposed project, research initiative, or action is listed in Appendix D to Subpart D of 10 CFR 1021 – Classes of Actions that Normally Require EISs, and then to advise SC-1 accordingly.

If the proposed action is not listed in the classes of actions that require an EIS, then SC will make a "non-Subpart D" determination that an EIS will be prepared. This should be based on whether the proposal is a major federal action and whether there may be potentially significant impacts from the project or action. The CEQ regulations can be used as guidance in deciding on whether to prepare such an EIS. The proposed project will be compared with the definitions and explanations in the regulations for what constitutes a "major federal action" (section 1508.18 of the CEQ regulations) and what constitutes a potentially "significant" impact (section 1508.27).

Once the PAD's office and NCO have decided that an EIS is the proper course of action, the PAD will take the lead to prepare a determination memorandum for signature of SC-1. The memorandum will be addressed back to the responsible SC Associate Director whose project will be the subject of the EIS. Once signed, the memorandum will be distributed to all interested and affected SC and DOE stakeholder organizations and individuals.

Examples of SC's NEPA Determinations are in Appendix C.

b. **Designation of a NEPA Document Manager** – SC-1 has the responsibility under the DOE NEPA Order 451.1B to designate a NEPA Document Manager (NDM) for each EIS. The NDM normally an Associate Director's Staff Member can be identified in the SC-1 determination memorandum. An example of an NDM Designation Memo can be found in Appendix B.

c. **Development of an EIS Schedule** – A draft EIS NEPA schedule will be prepared by the NDM, in coordination with the SC Program Manager. The planned milestone dates will be provided to the SC HQ NCO for tracking the progress of each EIS. The NCO can assist the NDM and Program Manager in developing the EIS schedule.

In setting the schedule, the NDM should keep in mind that the DOE NEPA regulations, at 10 CFR 1021.210(b), stipulate that:

"DOE shall complete its NEPA review before making a decision on the proposal (e.g., normally in advance of, and for use in reaching, a decision to proceed with detailed design)…"

The EIS schedule, therefore, must be integrated with the overall project schedule so that the EIS process is completed prior to initiation of detailed design and any long-lead procurement activities that would prejudice the analysis and selection of alternatives contained in the EIS. In DOE terms, this means that the EIS should be completed prior to CD-2 in the project management process. Integrating the EIS schedule with the project schedule also will allow the NDM and the SC Project Manager to control both schedules. It also will better enable this environmental planning document to influence the project positively, while staying off of the project's critical path and thus not impacting the project schedule.

Consult the NEPA Document Managers Guidance (Appendix B) for information of the time requirements for various aspects of the public process for EISs. These mandatory public involvement time frames need to be built into the EIS schedule.

d. Formation of an EIS Preparation Team - A decision should be made early in the process concerning the formation of a team to prepare the Draft EIS. Early formation of a team enables its team members or leaders to be involved in (or at minimum to observe) the internal discussions on the scope of the EIS during preparation of the NOI, and/or the conduct of public scoping. If the preparation team observes the public scoping process and understands the public's concerns, then the team will be in a better position to address the concerns in the Draft EIS.

The EIS can be prepared by a team of DOE federal staff or by a team of contractor specialists. The use of a contractor team typically has been the method for preparation of DOE EISs. Criterion 7 of this Section discusses the procuring of a contract team, which is the responsibility of the sponsoring AD office. The EIS preparation team reports to the NDM.

e. Preparation of a Notice of Intent– A Notice of Intent (NOI) to Prepare an EIS needs to be published in the *Federal Register*. The early draft of an NOI can be the vehicle to initiate internal DOE planning on the scope and content of the EIS. This process is called "internal scoping" and is discussed in the subsection below. The NOI must be published in the *Federal Register* as soon as practicable after a decision is made to prepare an EIS.

SC has the responsibility to draft the NOI and to coordinate its review and approval within DOE. The DOE NEPA Order 451.1B stipulates that NOIs are approved and issued by EH-1. The SC NDM and PAD staff, in consultation with the SC NCO, should draft the NOI. As stated in the CEQ regulations at 40 CFR 1508.22, the NOI will:

- Briefly describe the proposed action and possible alternatives,
- Describe the agency's proposed public scoping process including when and where any public scoping meetings will be held,
- State the name and address of a person within SC who can answer questions about the proposed action and the environmental impact statement.

These are the minimum requirements for the content of an NOI for a DOE proposal. Typically, a DOE NOI will contain the following additional types of information about the proposed project and the NEPA process:

- A summary,
- Information on the dates, times and places for public scoping meetings,
- An agency contact for further information,
- Background on the project or initiative being proposed,
- Purpose and need for the action,
- A preliminary list of alternatives, including the proposed action,
- A preliminary list of issues expected to be addressed in the EIS,
- Other NEPA documents that are related to the this EIS,
- A preliminary EIS schedule.

When the NOI has been drafted and all parties are satisfied with its content, it will be transmitted formally from SC-1 to EH-1 for signature. The final version of the NOI formally is signed and approved by EH-1 for publication in the *Federal Register*. EH will consult with the Office of General Counsel and secure a GC concurrence prior to transmitting the NOI to the *Federal Register* for publication. EH and GC, as internal stakeholders in the EIS process, will participate throughout the internal scoping and NOI development process.

The NOI becomes SC's and DOE's statement on what the agency believes the EIS should be about and what the agency proposes to analyze in the EIS. The NOI is the document that also initiates the public's involvement in the design of the EIS process. This initial involvement is called "public scoping" and is discussed in the subsection below.

Consult Section 4 of DOE's publication, "Effective Public Participation Under the National Environmental Policy Act" (Second Edition, August 1998) for information and suggestions concerning the development and content of an NOI. It can be found at tab IV-1 of the DOE NEPA Compliance Guide (Vol. II). An example of an SC NOI is included in Appendix C.

f. **Conducting Internal Scoping** – Internal scoping is a collaborative process of designing the scope and content of an EIS, and assisting in the development of the schedule for its preparation. To the maximum extent practical, the goal of internal scoping should be to reach agreement among the internal DOE stakeholders on the issues of concern and then to design the EIS to focus on the issues of concern to decision making. Internal scoping under this Criterion 5 will be consistent with the document and process "design" under Criterion 6 below, and with Criterion 7 below for inclusion of procured services in the internal scoping process. Additional information and examples of documents prepared for use during internal scoping are found in Appendix F.

Results of Internal Scoping: Internal scoping will be initiated and coordinated by the SC NDM with assistance from the SC HQ NCO, and will include all appropriate SC and DOE stakeholders. This internal scoping should result in:

- Development of an NOI for publication in the *Federal Register*, and thus agreements on the scope and content of the EIS, plus a design for the public process;

- Agreement and understanding of the process to be followed for review and approval of the EIS;

- A schedule for the EIS process (or affirmation of the validity of the schedule attached to the original determination); also

- The likelihood that a Mitigation Action Plan may be necessary and placed into the EIS schedule, as appropriate.

Internal scoping will consider the need for any *Federal Register* notices in addition to the Notice of Intent (i.e., floodplains/wetlands involvement,) that may be needed. For all of these notice procedures, the EIS schedule will need to be planned accordingly. The NCO should be consulted for examples of all *Federal Register* notices related to the EIS under consideration. Included in Appendix D are some examples. All *FR* notices require consultation with and concurrence from the Office of General Counsel prior to publication.

An Official DOE/EIS Number: As part of internal scoping, the NDM will contact EH-42 and request a DOE/EIS number for the document under consideration. This

can be done as part of the process of sending the draft NOI to EH for review and approval.

g. **Notification of the EIS Determination** - Notification to the host states/tribes of DOE's intent to prepare an EIS will be made in a timely manner following an SC-1 NEPA determination. If there will be a time delay between the time SC-1 makes the EIS determination and the beginning of public scoping via publication of an NOI, then letter notifications may be appropriate. This should be done usually within two weeks of the determination. The letters of notification will be prepared by the NDM, and signed either by the NDM or the SC HQ NCO, with concurrence from the sponsoring SC Program Office. If desirable, the letters could be signed by an appropriate level of SC management. The current edition of the DOE "Directory of Potential Stakeholders for Department of Energy Actions under the National Environmental Policy Act" (the EH "Yellow Book") should be used as the source of official host state/tribe points of contact. The Yellow Book is updated periodically. In between updates, the NDM should check with the appropriate Operations Office that would administer the proposed project under review, regarding updates to the list of host state or tribal contacts to be notified. The DOE Office of Public Affairs also can provide assistance in identifying appropriate contacts in the states and tribes. See Appendix E for example notification letters.

Ordinarily, publication of the NOI will provide adequate notice to states and tribes that SC and DOE have determined to prepare an EIS. Additional notification regarding the holding of public scoping meetings will be necessary to fully inform and involve the public. Consult the DOE NEPA Compliance Guide and its "Effective Public Participation" guidance for assistance.

Examples of SC Transmittal and Approval letters are found in Appendix E. In addition, examples of fact sheets, newsletters and press releases used by SC are found in Appendix G.

h. **Conducting Public Scoping** – The public's involvement in the EIS process is formally initiated by publication of the NOI in the *Federal Register*. DOE normally holds at least one public scoping meeting on its proposal to prepare an EIS. The meeting should be held in the locality where the proposed action may occur. For example, if SC is proposing to build and operate a new accelerator, a public scoping meeting should be held in the community near the site of the proposed project. If the EIS will evaluate several alternative sites for the project, consideration should be given to holding public scoping meetings in the vicinity of each alternative site. Consult the DOE "Effective Public Participation" guidance in the NEPA Compliance Guide for the requirements for public scoping, as well as for other suggestions.

Consider Several Venues and Media for Public Scoping: The receipt of public comments via several media should be considered, such as through public meetings,

written comments, email, voice mail, and via an internet web site. Traditionally, public scoping meetings have been designed around the "presentational" model. In this model, the federal agency makes a formal public statement and presentation on the proposed action and the EIS review, and then takes formal public comments made orally by the interested and affected public. Another good approach in public meetings is the "dialog" model in which the DOE project proponents talk more informally with the interested public in smaller groups than the public meeting. This approach enables more direct contact with the public and facilitates the asking of more questions. It also tends to be a better trust builder than the traditional public meeting. To the degree that this is possible, both types of meetings should be considered during public scoping.

Consult with the Operations Offices: The public affairs specialists in DOE's Operations Offices and at the National Laboratories can be of great assistance in advising on how to dialog with the local community stakeholders. They also can be of assistance in arranging for local public scoping meetings and for local press announcements and coverage.

Summarize the Results: Following the completion of the formal comment period of the public scoping process, it is SC's responsibility to consider all of the comments from the public and to revise the scope of the planned EIS accordingly. The public scoping process and its results can be summarized in a separate document that would assist in the revisions of the scope of the Draft EIS. If there is substantial public interest in the EIS, and if there are numerous and significant public comments on the scope of the document, then it may be worth considering the preparation of a separate comment-response document (CRD). The CRD should summarize the public comments and provide DOE's responses that state how the comments will be treated in defining the scope and content of the Draft EIS. The CRD will state which comments are "out-of-scope" and will not be addressed in the Draft EIS. The original incoming comments (whether written, oral at the public meetings, or email) will be included with the CRD as a matter of public record, for the administrative record.

The public scoping process and its' results will be summarized in the Draft EIS.

i. Preparation of the Draft EIS – Preparation of the Draft and Final EISs will follow the regulations and the established guidance, as specified in Chapter 3 of this QA Plan. The quality and adequacy of each EIS will be assured by preparing, reviewing, and approving them against existing CEQ, DOE, EH, and SC guidance and standards (as identified in Section 3.0 above of this QA Plan). Quality also will be built in up-front by initiating the EIS process early in project planning, and by involving the appropriate persons and organizations in the preparation, review and approval process.

Preparation of the EIS will be accomplished under the management and direction of the NDM, who should consult frequently with the SC HQ NCO. Frequent communication among the NDM, the NCO, the EIS preparation team, EH and GC will enable concerns and issues to be worked through in a timely manner. Consult the NDM's guidance contained in Appendix B for guidance on preparation of the documents, use of teams, etc.

j. Concurrent Document Reviews - Concurrent internal DOE reviews of all EIS-related documents will occur to the maximum extent possible. This applies to preparation of both the Draft and Final EISs. Concurrent reviews will promote efficiency, save time, reduce delays, and enhance quality. Concurrent reviews will be conducted to the extent practical on the early drafts of the documents, so that quality and adequacy are ensured early in the process. The concurrent review will be initiated and coordinated by the SC NDM, with assistance from the SC HQ NCO, and will include all appropriate SC and DOE internal stakeholders. These stakeholders include the following: the sponsoring SC HQ Program Offices; the cognizant Operations Office, Area or Site Office; the Laboratory that would conduct the proposed work; the Office of General Counsel (GC-51); and the Office of NEPA Policy and Compliance (EH-42). The use of an "Advisory and Review Team" (see the NDM guidance in Appendix B) through the EIS preparation process will enable the NDM to keep all of the internal stakeholders informed on the progress of the EIS and to solicit concurrent reviews of all documents at the appropriate times.

k. Securing EIS Concurrences and Approvals – All DOE EISs, both draft and final, are officially approved by the Assistant Secretary for Environment, Safety and Health (EH-1), after concurrences by the EH Office of NEPA Policy and Compliance (EH-42) and the Office of General counsel (GC-51). Some EIS may need the approval of the Secretary of Energy. Typically, this has been for Site-Wide and Programmatic EISs, and for EISs on proposed actions that have unusual visibility, public interest, or the likelihood of controversy. Secretarial approval of an EIS may add some time to the process of completing the document. EH must be consulted early on the need or advisability of Secretarial approvals of the EIS so that the timing can be included in the schedule.

SC considers the EIS preparation to be complete when the technical analyses are finished and the document is judged to be of proper adequacy and quality by the Advisory and Review Team. The EIS then is ready for formal transmittal to EH-1 from SC-1, with a request for approval to issue the EIS for public review (for a Draft EIS) or for public information (for a Final EIS) prior to issuance of the Record of Decision.

SC Concurrences - Each EIS prepared by SC HQ will receive the concurrence of the appropriate SC Project or Program Manager, the Program Office ES&H

Coordinator, the Program Associate Director, and the SC HQ NCO prior to transmittal of the EIS to SC-1 for submittal to EH-1. The NDM and the AD's Program Manager should prepare the formal transmittal memorandum from SC-1 to EH-1. When the EIS reaches the SC front office, it will receive concurrence from the SC Chief Operations Officer (SC-3) and the Deputy Director (SC-2). Signature of the transmittal memo by SC-1 is the Director's concurrence and approval of the document.

GC Concurrence – Every EIS must receive a legal adequacy review and a concurrence from the Office of General Counsel prior to official issuance for public review by DOE. The Assistant General Counsel for Environment (GC-51) is the organization involved. Normally, the concurrence by GC is secured by EH during the EH approval process. As GC staff counsel is part of the Advisory and Review Team, GC should be familiar with the document and the process and thus able to advise GC-51 on concurrence in the document.

l. Distribution and Filing of Draft EISs – All DOE EISs are issued for formal public review and comment (for Draft EISs) and for public information (for Final EISs). The requirements for public involvement are contained in the CEQ regulations at Part 1506.6. The requirements and specifications for inviting public comments and for responding to comments are found in Part 1503 of the CEQ regulations. Also see chapter 6 in DOE's "Mini-guidance from Lessons Learned Quarterly Reports" for guidance on distribution of EISs, and for publishing EISs on the DOE NEPA web site. DOE's "NEPA Document Electronic Publishing Standard and Guidelines" also should be consulted.

Distribution of Draft EISs - Once the Draft EIS is approved for public review under signature of EH-1, it needs to be distributed to all interested and affected persons and organizations within DOE and to the affected persons and agencies outside of DOE. The Draft EIS also needs to be filed officially with the USEPA in order to begin the formal public comment period (This is discussed separately below).

DOE's internal process requires that the distribution (by mail) of the Draft EIS must be completed before the Draft EIS can be filed with the USEPA. This means that all of the draft EISs being distributed have been placed into the postal system. For Draft EISs being distributed to Congress, the DOE Office of Public Affairs usually will assist with the physical transmittal of the documents to "The Hill".

It is not unusual for several hundred EISs to be distributed to interested and affected parties, thus the process for SC to get all of them into the mail system and enroute to Congress can be laborious and time consuming. Draft EISs are distributed with transmittal letters signed by various DOE officials, depending on the recipients. Typically, the transmittal letters are signed as shown below. Example letters are contained in Appendix F.

- Assistant Secretary for Environment, Safety and Health (EH-1) signs letters to: Members of Congress and congressional committees; governors of host states; and American Indian tribes.

- Director of the Office of NEPA Policy and Compliance (EH-42) signs letters to: federal HQ agencies; major national environmental organizations; and the letter to the USEPA that transmits the EIS for official filing.

- Program Secretarial Officer (SC-1) signs letters to: federal regional offices; state and local government agencies; state and local organizations; and local public and community stakeholders in the vicinity of the project or site.

The SC Program Office should prepare these transmittal letters, with assistance from the SC NCO. Draft copies of the letters for EH-1 and EH-42 signatures should be shared with EH ahead of time, so that the proper content can be developed. Also, a draft distribution list of EIS recipients should be prepared and shared with EH so that a complete list can be developed. Once the content and format of the letters are agreed upon, and the distribution list is complete, SC needs to produce a package of the letters, all on original DOE letterhead, for signature by EH. It will help, also, if all of the letters are included on a computer disc, and included with the package, in case any last minute changes are needed by EH.

Filing of the Draft EIS with the USEPA – It is required that all EISs be filed officially with the USEPA. Guidance on the filing requirements and procedures can be found at tab IV-3 of Vol. 1 of the DOE NEPA Compliance Guide. Also, the DOE "Directory of Potential Stakeholders" contains the mailing address for the official filing, as well as the address for hand-carried deliveries of EISs for official filing. This information is contained in the "Stakeholders" section on federal agencies, under the Environmental Protection Agency.

The USEPA requires five copies of draft and final EISs for review and filing. It has been the general practice in DOE for the EISs to be hand carried to the USEPA at the address below. Delivery of the EISs to the USEPA is the responsibility of the SC Program Office and can be done by the NEPA Document Manager or the Program Manager. The SC NCO also can be called upon for assistance.

Room 7228
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20044

The Ariel Rios Building is a 20-30 minute walk, or a 10-minute cab ride, from the DOE Forrestal Building. Hand-carrying of EISs to the USEPA for official filing has been the best and surest way to deliver the documents and to assure that they are

received by the USEPA in a timely manner that fits with the SC schedule for the proposed project.

When the five copies of an EIS are accepted by the USEPA, a receipt and filing form will be filled out and signed by the SC person making the delivery. Be sure to get a copy of this form for the EIS administrative record. SC should provide a copy of the form to EH-42, as evidence that the EIS has been filed.

Federal Register and Notice of Availability – The USEPA publishes a listing of all EISs officially filed. This listing is published by the USEPA in the *Federal Register* each week, on Fridays, and constitutes the official Notice of Availability (NOA) that starts the public comment period. EISs must be received by the USEPA a week before the official listing and NOA are published. This means that the EIS must be delivered to and received by the USEPA by Friday of one week in order to be included in the *FR* listing on the following Friday. If the EIS is delivered to the USEPA on a Monday, for example, the official *FR* listing with the EIS will not be published in the *FR* on the following Friday, but on a week from that Friday (actually two work weeks from the delivery on Monday). If the timing of the NOA is crucial to the project schedule, the timing of the filing with the USEPA should be considered accordingly.

DOE also requests that the EIS sponsor (SC) prepare a brief NOA for the DOE NEPA web site. This NOA can be a few paragraphs that announce the availability of the document. Consult the DOE NEPA Web Site for examples.

Copies of Draft EIS for EH and NEPA Web – When the Draft EIS is issued for public review, copies will be provided to EH-42 for its staff, corporate archives, and for the NEPA web site. Upon issuing the Draft EIS, the SC NCO should transmit three paper copies, an electronic file, and a completed NEPA Document Certification and Transmittal Form to the EH Office of NEPA Policy and Compliance. Consult the DOE "NEPA Document Electronic Publishing Standards and Guidance" for instructions and for a copy of the transmittal form.

m. Enabling Public Involvement – Public involvement in the Draft EIS process occurs in several ways. Consult the DOE publication "Effective Public Participation under the National Environmental Policy Act" for a summary of the requirements and for suggestions. It can be found at tab IV-1 in volume II of the DOE NEPA Compliance Guide. The process and venues used for the public scoping of the EIS also can be used to enable the public review and comment process for the Draft EIS. Consult with the appropriate Operations Offices and with the DOE Office of Public Affairs for assistance. Also, see Chapter 5 in DOE's "Mini-guidance Articles from Lessons Learned Quarterly Reports" for guidance on public participation.

Formal Public Comment Period - All Draft EISs are issued for public comment for a minimum of 45 calendar days. The 45-day comment period begins with the publication of the NOA by the USEPA. The length of the comment period should be considered in the early planning of the NEPA process and should be factored into the schedule for the EIS and for the proposed project as well. A longer comment period should be considered for Draft EISs on proposed projects that are especially complicated, where there are a number of alternative sites, or where controversy is expected.

Public Meetings – The sponsoring Program Office in coordination with the Operations Office responsible for the project are required to hold public meetings. DOE typically holds public meetings on the Draft EISs in the vicinity of the proposed project. There should be a waiting period of at least 15 days from the publication of the NOA until the first meeting is held. This gives the public an opportunity to read the Draft EIS and to gather information prior to attending the meetings. If there are alternative sites in locations removed from the location of the proposal, meetings should be held at the alternative locations as well. If the proposed action would involve activities at separate sites or locations, considerations should be given to holding meeting convenient to the public in all such locations.

The public meetings are for the purpose of encouraging discussion and mutual understanding of the NEPA process and the proposed action. Some meetings may be informal, off-the-record information exchanges between DOE and the public. Other meetings may be structured more formally, including presentations by DOE on the proposed action, as well as oral presentations by members of the public for on-the-record statements.

The more traditional structured public meetings are useful for gathering formal statements and comments from the public. These types of meeting, however, are less helpful in fostering good communications, information exchange, and the sharing of concerns regarding the proposed action. The DOE "Effective Public Participation" guide contains suggestions on other formats for meeting with interested parties in order to foster better communications and understanding. Workshop and "dialog" models of communication sometimes can be more effective than "presentational" models in reducing the polarization between the parties, reducing conflict and controversy, and in enhancing the effectiveness of public meetings. These require up front planning and may add time to the public process.

The SC Office of Biological and Environmental Research (SC-70) has been researching new and innovative ways for scientists to communicate effectively with the public. Consult with the SC NCO for contacts in SC-70 who can assist with and advise on public involvement during a Draft EIS process on SC's scientific programs and projects.

Local Notifications and Press Releases – The availability of Draft EISs released for public review must be made known to the local communities in the vicinity of SC's proposed activities. As local communities may not always know of the availability of Draft EISs as announced in the Federal Register, local notifications should be made to interested individuals, organizations and local governmental leaders. The direct mailing of copies of the Draft EIS to such persons should be done, based on knowledge of their interest (e.g., from the scoping process). For other citizens and organizations, notification should be made through the use of local media. The appropriate Operations Office and national laboratory, as appropriate, can provide advice and assistance in this regard. Also, the DOE Office of Public Affairs can assist.

The SC program office should draft press releases announcing the availability of the Draft EIS for review and comment, with assistance from the DOE Office of Public Affairs. Normally, Public Affairs will request that EH review any press release related to the NEPA process. To expedite the completion of press releases, the SC program office should coordinate the early drafts with staff from Public Affairs and EH-42. Consult with the SC NCO for assistance in this regard.

Appendix G contains example press releases, fact sheets, and newsletters on EISs and their public process.

n. Preparation of the Final EIS – Preparation of the Final EIS should follow the regulations and the established guidance, as specified in Section 3.0 of this QA Plan. Management of the Final EIS preparation process is very similar to that described for "Preparation of the Draft EIS" above.

Managing the Receipt of Public Comments for the Administrative Record – The public may provide comments on Draft EISs to DOE in one or more of several ways. There will be oral comments, and possibly written statements, provided at the public meetings. Comments also may be provided by U.S. mail, over the phone, by email, or over the internet. All of these venues need to be provided to enable the public to participate in reviewing SC's Draft EISs. See chapter 5 of DOE's "Effective Public Participation" for suggestions on the array of media to use for involving the public and receiving comments. Also, see section 6.1.4, criterion 4, above on documents and records. The NEPA Document Manager is the person primarily responsible for collating and maintaining the comments received by DOE on the Draft EIS. They are part of the official administrative record of the NEPA process.

Public Comments & the Final EIS - Normally, comments will be received on DOE's Draft EISs. Time should be provided in the EIS schedule for resolution of the comments and for revising the Draft EIS and thus creating the Final EIS. The comments received during public scoping helped to shape the scope and content of the Draft EIS. Similarly, comments received on the Draft EIS help to revise the

Draft EIS and thus shape the content of the Final EIS. Public comments received on Draft EISs from host states/tribes and the public must be addressed and resolved in the Final EIS, which may require that the Draft EIS be revised in response to the comments. The CEQ regulations at section 1503.4 provide the regulatory guidance on how an agency shall handle response to comments.

The Final EIS must complete the administrative record of the disposition of public comments. All of the comments received on the Draft EIS (both written and oral comments) should be included in a comment/response matrix. The matrix can be included as an appendix to the Final EIS, or it can be produced as a stand alone document that is referenced in the Final EIS. Examples of Comment/Response documentation can be found in Appendix H.

Final EIS Concurrence & Approval - EISs that are revised based on public comments received will go through the SC concurrence process, leading to transmittal of the document to EH-1 for approval and issuance, as was done for the Draft EIS. If no comments are received, the EIS that was issued as a Draft for public review may be the final EIS presented to SC-1. This would need to be discussed with EH and GC.

Distribution & Filing - Once the Final EIS is approved for issuance, the same process is followed, as was done for the Draft EIS, for distribution to stakeholders and for filing with the USEPA. A brief Notice of Availability (NOA) of the final EIS will be provided in the *Federal Register* by the USEPA. An NOA needs to be prepared for the DOE NEPA web site, as well.

o. Preparation of the Record of Decision – The CEQ regulations state that one of the purposes of the NEPA process is to facilitate government decision-making. Section 1500.1 provides the following discussion on agency decisions and NEPA:

"Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork – even excellent paperwork – but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences."

Writing and Approval of a Record of Decision - The decisions coming out of the NEPA process are required to be formalized and to be published in a public Record of Decision (ROD). Part 1505.2 of the CEQ regulations specifies the scope and content of the ROD. Additionally, the ROD should address any comments that may have been received on the Final EIS during the 30-day period following publication of the NOA for the Final EIS. The SC program office, with input and assistance from the NEPA Document Manager and the SC NCO, should prepare the ROD. During its drafting, the ROD should be provided to any affected DOE Program Offices or Operations Offices for review and comment. The draft ROD

also should be provided to the internal stakeholders who have assisted the EIS process since internal scooping.

DOE's RODs normally are approved and signed by the Program Secretarial Officer (PSO), in this case the Director of the Office of Science (SC-1). DOE's process requires that the ROD receive concurrence by EH-1 (for environmental content) and by GC (for legal sufficiency), prior to being signed by SC-1. EH and GC staff could be involved in reviewing early drafts of the ROD, thus facilitating the formal concurrences later. Some RODs may need to be approved and signed by the Secretary of Energy, rather than the PSO. Such cases may revolve around the visibility of the proposed action, public interest in it, or the likelihood of controversy. If the Draft and Final EISs required Secretarial approval, rather than EH-1, it is likely that the ROD may need to be approved by the Secretary. EH will advise on this. Examples of an SC ROD and the approval transmittals are found in Appendix I.

Timing of ROD in Relation to Final EIS – Part 1506.10 of the CEQ regulations stipulates the timing of the ROD. Approval of the ROD must wait at least 30 days from publication of the NOA for the final EIS. This 30-day waiting period provides an opportunity for the public to read and understand the Final EIS prior to an agency making decisions based on or supported by the EIS, and announcing the decisions in the published ROD. This 30-day period should be planned into both the EIS schedule and the project schedule.

Publication of the ROD - DOE publishes its RODs as a *Federal Register* notice, similar to the Notice of Intent. As noted above, the ROD cannot be published in the *FR* for at least 30 days following the NOA for the Final EIS. The notice should be provided to the *FR* office in GC on a computer disc. It is, therefore, the electronic version of the hard copy of the ROD that was signed by the Program Secretarial Officer (SC-1).

The ROD also can be provided to the public on the DOE NEPA web site. Follow the instructions in the EH "NEPA Document Electronic Publishing Standards and Guidelines" for providing the electronic version of the ROD to EH for the web site.

p. Availability of FEIS and ROD - The availability of the Final EIS released for public information should be made known to the local communities in the vicinity of SC's proposed activities. The procedures noted above for providing the availability of the Draft EIS to the public can be followed to do the same for the Final EIS, and for the ROD.

q. Copies of Final EIS and ROD for EH and the Web Site - When the Final EIS is issued for public review, copies should be provided to EH-42 for its staff, corporate archives, and for the NEPA web site. Upon issuing the Final EIS and the ROD, the SC NEPA Compliance Officer should transmit three paper

copies, an electronic file, and a completed NEPA Document Certification and Transmittal Form to the EH Office of NEPA Policy and Compliance. Consult the DOE "NEPA Document Electronic Publishing Standards and Guidance" for instructions and for a copy of the transmittal form.

Consult the EH guidance, "Distributing a Record of Decision Makes Sense," (Mini-guidance articles) for suggestions on providing copies of the published ROD to interested parties.

r. Completion of LL Questionnaire on the NEPA Web Site – At the completion of the EIS process, the NEPA Document Manager and the NEPA Compliance Officer are requested to complete a lessons learned questionnaire on the DOE NEPA web site. This will enable the lessons and experiences from this EIS initiative by SC to be applied across the DOE complex for future EISs, and will enable EH to track the progress and effectiveness of DOE's continuous improvement in it NEPA program.

Action (Steps in the Process)	Responsibility
a. Determination to Prepare and EIS	PAD Office, SC-1, with assistance from NCO
b. Designation of NEPA Document Manager	SC-1
c. Development of EIS Schedule	NDM, SC PM, with assistance from the NCO
d. Formation of the EIS Preparation Team	NDM, PAD, SC PM, DOE Contracts personnel
e. Preparation of Notice of Intent	NDM, SC PM, PAD, NCO, SC-1, EH-1
f. Conducting Internal Scoping	NDM, SC PM, NCO, EIS Writing Team, other internal stakeholders as needed.
g. Notification of the EIS Determination	NDM, PAD, with assistance from NCO
h. Conducting Public Scoping	NDM, SC PM, NCO, EIS Writing Team
i. Preparation of the draft EIS	NDM, EIS Writing Team, NCO
j. Concurrent Document Reviews	NDM, NCO, PAD, SC PM, Operations Office, EH, GC and other internal stakeholders, as needed.
k. Securing EIS Concurrences and Approvals	NDM secures concurrences. SC PM, PAD, SC-3, 2, 1, GC-51, EH-42, EH-1 are involved in the process.
l. Distribution and Filing of Draft EIS and its' availability	NDM, SC PM, NCO, EH-42
m. Enabling Public Involvement	SC Program Office, Public Affairs
n. Preparation of Final EIS	NDM, EIS Writing Team, NCO
o. Preparation and Approval of the ROD	SC PM, NDM, NCO, SC-1, EH-1, GC
p. Availability of FEIS and ROD	NDM, SC PM, NCO
q. Copies of Final EIS and ROD for EH and Website	NDM, NCO
r. Completion of Lessons Learned Questionnaire	NDM, NCO

Table 6-1: EIS Management Responsibility Summary Chart

Criterion 6: Design

"Design", for the purposes of this QA Plan, refers to the design of SC's EIS documents (i.e., their scope and content) and the process to prepare, review, and approve them. This design then leads to the outputs of quality decision-making, proper public involvement, and environmental stewardship. The EIS and process design will be based on the established NEPA policies, requirements, guidance and procedures accepted by DOE and SC and reflected in this QA Plan. Sound principles of reason and issue identification will be utilized during the internal scoping process to establish the design of the EIS and its schedule of milestones.

A “sliding scale” (or graded approach) will be used, as appropriate, in the EIS design and in the rigor of the review and approval process. The design of the document scope and schedule will be "risk based" and consider the legal risks to the Department and the risks to environment and to the health and safety of workers and the public. Regardless of how the sliding scale is used, every SC EIS will provide clear information to DOE decision makers and their stakeholders. The EIS must show that SC took the “hard look” at the proposed action(s) and alternatives in terms of the analysis of environmental consequences. The internal stakeholders will finalize the EIS and process designs as soon as possible following the EIS determination. Changes in final designs (during the process implementation) occasionally may be necessary. The internal stakeholders will justify and approve the designs in a timely manner. The NDM, in consultation with the SC HQ NCO, will coordinate this internal scoping and design process, and assure that "design" under this Criterion 6 is consistent with internal scoping under Criterion 5 above.

Example EIS designs and process experiences from previous SC EISs are found in the summaries provided in the SC Annotated NEPA Bibliography (SC NCO Comm. 92-07). These may serve as examples of "verified" or "completed" designs that have been through the DOE review and approval process, including state/tribal coordination and public review. Use of this information as lessons learned may positively influence the process and its outcomes. To achieve quality in its EIS products and services, SC will take into account the schedule of the EIS process. The use of a sliding scale or graded approach in the design, review, and approval of EISs will permit SC to place and use resources where they are most needed.

Criterion 7: Procurement

SC will ensure that purchased or supplied services and technical assistance for preparation of EISs and EIS-related documents and processes meet expectations. SC will ensure that suppliers are qualified to perform the required services, and that sufficient supplier resources are available to implement and complete the tasks. SC will ensure that such suppliers (i.e., contractors and all EIS authors) are provided with all of the necessary "tools" of guidance, procedures, rules, and requirements to

adequately prepare and supply quality EISs. Suppliers will be involved as early as possible in the EIS design, ideally as part of the EIS internal scoping process (as per Criteria 5 and 6 above). Supplier performance will be monitored periodically to ensure that quality service and acceptable deliverables continue to be supplied. Suppliers will be involved in the SC evaluation of their products to the extent possible.

If contractor support is needed for preparation of an EIS, securing such support will be the responsibility of the sponsoring SC Program Office. The NDM should coordinate the procurement request with the Program Office and the SC Grants and Contracts Division, as appropriate. Example statements of work for NEPA document preparation are contained in the DOE document "A Brief Guide: Department of Energy-wide Contracts for National Environmental Policy Act (NEPA) Documentation." It also contains guidance for procuring contractor assistance through the DOE-wide contract mechanism. It can be found on the DOE NEPA web site. A sponsoring SC Program Office may use this contracting vehicle, hire a contractor separately, or charter a team of DOE federal employees for preparation of a NEPA document.

To achieve quality in its EIS products and services, SC will take into account resource considerations, cost and schedule. At the completion of an EIS effort, the NDM and the NCO are encouraged to complete one of the DOE lessons learned surveys that are found on the DOE NEPA web site under the category of "DOE NEPA Process Information." Also, the NDM is encouraged to complete a "DOE NEPA Contractor Performance Evaluation" form if the DOE-wide contracting mechanism was used in preparation of the EIS. This form can be found in the "Brief Guide" cited above.

Criterion 8: Inspection and Testing

Inspection in the context of the DOE EIS process includes both internal and external (public stakeholders) reviews for adequacy, accuracy and ensuring the "hard look" has taken place. Criterions 1-7 have outlined when internal "inspection" is suggested and when both internal and external "inspection" is required by regulation. When the final EIS is issued and the ROD has been completed without a challenge from the public, then the EIS has "acceptance". When public involvement has been successful and quality decisions have been made, the EIS process will have passed the "inspection and testing."

6.3 Assessment

Criterion 9: Management Assessment

The SC HQ NCO will serve as the representative of SC management for the purposes of performing assessments of the adequacy and quality of the EIS

program and its effective implementation. This assessment function will be conducted partly on conformance to requirements, standards or procedures. Assessment will focus on whether SC is effectively using the support of the services provided by the EIS and NEPA processes in the conduct of its research mission. The assessments will identify, correct, and prevent problems that could hinder the achievement by SC of quality decision-making and environmental stewardship via the EIS and NEPA processes.

Additionally, the NDM and the NCO at the end of the NEPA process will complete a Lessons Learned survey for each EIS. The survey can be found on the DOE NEPA web site. It will serve to provide input to this management assessment initiative. Also, this QA Plan will be revisited and assessed periodically in order to maintain its relevance in assuring quality EISs and their NEPA process. Lessons learned will be fed back into continuous improvement of this QA Plan.

Management assessments of the EIS program will provide feedback on the performance of the system and offer opportunities for quality improvement. The assessment will identify, correct, and prevent management problems (in using NEPA) that hinder achievement of SC's objectives. It will focus on broad categories of issues to determine the effectiveness of the integrated management system. This is part of SC's proactive approach to problem prevention.

Criterion 10. Independent Assessment.

Independent assessment of the SC EIS process will come from the independent oversight and the document/process reviews provided by GC, EH, and other DOE stakeholders. The host state/tribal reviews and the public reviews of SC's EISs and related documents will provide an additional independent assessment of the documents and the process on a more continuing basis. The input from all independent sources will be received by SC as meaningful feedback and used to correct deficiencies and improve quality and effectiveness in the EIS process and this QA Plan.

Independent assessments of the EIS process and its outcomes will provide feedback on the performance of the system and offer opportunities for quality improvement. These independent inputs will be from internal and external customers and stakeholders.

Chapter

7

7. ENVIRONMENTAL IMPACT STATEMENTS AND QUALITY DECISIONS

The CEQ regulations state [in Part 1500.1(c)] that ultimately it is better decisions that count and not excellent paperwork. Better decisions (in the CEQ sense) would occur from emphasizing results and excellent action rather than emphasizing better documents and excellent paperwork. Using the criteria for quality decisions developed during the 1994 Office of Energy Research (now SC) NEPA Workshop (*Ref. 13*), SC interprets quality decisions (in the CEQ sense) to be those that would:

- Be based on the best available information and an understanding of environmental consequences [Using Criteria 5, 6 above];
- Be based on real choices among real alternatives, early in project planning and design [Criteria 1, 5, 6]; and
- Include benefit from public involvement [Criteria 5, 8, 10];

Quality decisions from the SC decision maker's perspective would have the above three components, and they would:

- Be made in an efficient, cost effective, and timely manner [Criteria 1, 5, 6, 7]; and
- Achieve the DOE and SC decision-maker's purpose and need [Criterion 9].

Chapter

8

8. References

(1) "Program Summary [for 1992] of the Office of Energy Research, Office of Assessment and Support, Environmental Division (ER-8.2), NEPA Accomplishments and Future Directions. ER NCO Communication No. 93-02. August 18, 1993.

(2) "Office of Energy Research National Environmental Policy Act Program Summary for 1993 and Status Report on Continuous Improvement in NEPA Services and Products. ER NCO Communication No. 94-03. May 16, 1994.

(3) Office of Energy Research "National Environmental Policy Act Program Summary for 1994 And Status Report on Continuous Improvement In Energy Research NEPA Services and Products." ER NCO Communication 95-03. October 1995.

(4) Office of Energy Research "The National Environmental Policy Act (NEPA) Program Summary for 1995-1996 and Status Report on Continuous Improvement in NEPA Services and Products." ER NCO Communication 97-01. November 1997.

(5) "Office of Energy Research Guidance on the Preparation, Scope, and Content of Environmental Assessments." ER NCO Communication 92-04. November 5, 1992.

(6) "Office of Energy Research Lessons-Learned from Environmental Assessment Reviews." ER NCO Communication 94-02. March 10, 1994.

(7) Office of Energy Research "Annotated Bibliography of NEPA EAs and EISs." ER NCO Communication 92-07. [Updated periodically].

(8) "Delegation of Environmental Assessment Authority." Memorandum from Tara O'Toole (EH-1) to Martha Krebs (ER-1).

(9) "Quality Assurance Program: A Total Management System." Office of Nuclear Safety Policy and Standards. May 1992. [Contains DOE Order 5700.6C Quality Assurance, plus guidance on implementing the Order].

(10) “Strategic Plan.” Office of Science. June 1999.

(11) Office of Energy Research "Training Needs Survey in National Environmental Policy Act (NEPA) Implementation. ER NCO Communication No. 93-10. July 30, 1993.

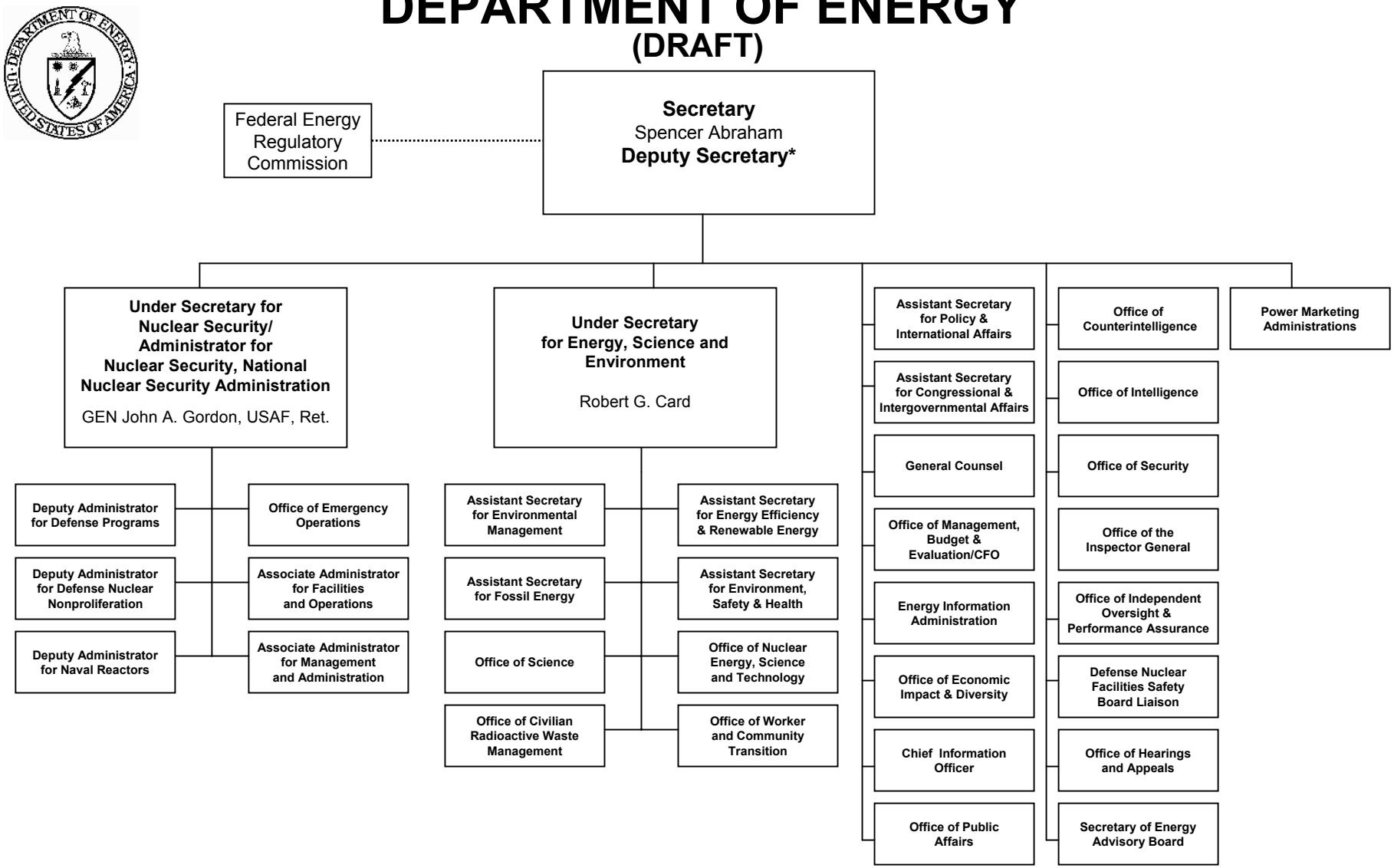
(12) “Keeping an Administrative Record.” *National Environmental Policy Act Lessons Learned Quarterly Report*. Issue 12. USDOE Office of NEPA Policy and Assistance. September 12, 1997; and in “Mini-guidance Articles from Lessons Learned Quarterly Reports December 1994 to September 2000.” Office of NEPA Policy and Compliance. November 2000.

(13) "NEPA Workshop: Continuous Improvement in ER's NEPA Products and Services.” Report of the Office of Energy Research Sixth Semiannual Environment, Safety, and Health Coordination Meeting. ?February 1-3, 1994, Gaithersburg, Maryland. Section 10, pages 10-21.

Appendix A

Organization Charts for DOE and Office of Science

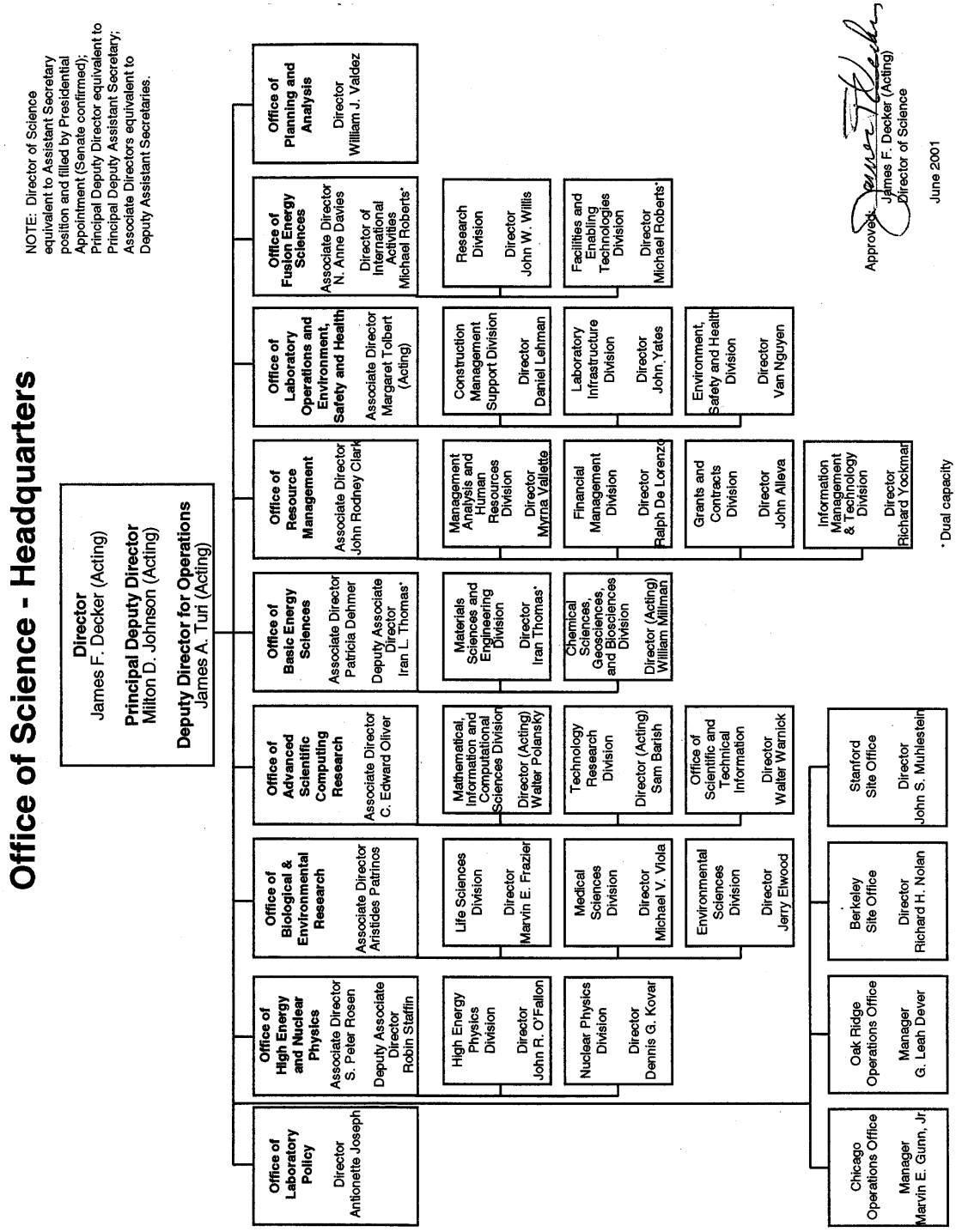
DEPARTMENT OF ENERGY
(DRAFT)



* The Deputy Secretary also serves as the Chief Operating Officer

10/11/01

Office of Science Organization Chart



Appendix B

I. Examples of Documents for Designating a NEPA Document Manager

II. Guidance for NEPA Document Managers

DOE F 1325.8
(4/93)

United States Government **Department of Energy**

Oak Ridge Operations

memorandum

DATE: December 17, 1996

REPLY TO
ATTN OF: ER-111:Wilfert

SUBJECT: **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENT MANAGER FOR THE NATIONAL SPALLATION NEUTRON SOURCE (NSNS) PROJECT**

TO: David K. Wilfert, Acting NSNS Project Manager, Program Coordination Division, ER-111

References:

1. Secretarial Policy on National Environmental Policy Act, June 1994.
2. Director, Office of Energy Research determination to prepare an Environmental Impact Statement (EIS) for the NSNS, February 6, 1995.
3. ORO Manager's delegation of authority for designating NEPA Document Managers, August 29, 1994

You are designated the NEPA Document Manager for preparation of an Environmental Impact Statement (EIS) for the NSNS project. Responsibilities of this assignment are identified in the June 1994 Secretarial Policy (Reference 1), and include:

- Considering innovative measures to reduce NEPA process time.
- Requesting (as needed) reasonable variances to Department NEPA regulations.
- Elevating any internal Departmental disputes for prompt resolution.
- Evaluating contractor performance for NEPA document preparation.
- Providing "feedback" to the Office of Environment, Safety, and Health on lessons learned during NEPA process implementation.

You should work closely with the ORO NEPA Compliance Officer (Patty Phillips) in carrying out this assignment. Please keep me informed of your plans and progress.

Edward G. Cumesty
Assistant Manager
for Laboratories

cc:
M. Kass, ER-111, ORO
P. Gross, SE-32, ORO
I. Thomas, ER-10, HQ/GTN
C. Hickey, ER-8, HQ/GTN

U.S. DEPARTMENT OF ENERGY

MEMORANDUM

DATE October 31, 1997

REPLY TO Michael D. Holland, BHG

SUBJECT **ENVIRONMENTAL IMPACT STATEMENT FOR THE HIGH FLUX BEAM REACTOR (HFBR) TRANSITION PROJECT**

TO See Distribution

Nand K. Narain, Ph.D, of the Brookhaven Group, will be the Document Manager for the HFBR Environmental Impact Statement. Dr. Narain has extensive experience in project management and environmental documentation.

Nand can be reached by phone at (516) 344-5435, or by e-mail at narain@bnl.gov.

M. Holland

Michael D. Holland, Project Manager
HFBR Transition Project

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National Environmental Policy Act Document Managers Guidance

Prepared by the
U.S. Department of Energy
Office of Science
And
Chicago Operations Office

May 31, 2000

INTRODUCTION

This guidance will help the NEPA Document Manager (NDM) perform his or her duties. The roles and responsibilities of the NDM are described in DOE Order 451.1A and this guidance provides additional information to help the NDM implement those roles and responsibilities. The guidance is based on lessons learned from management experience. No attempt is made to address the content of the NEPA documents, this is well presented in numerous DOE and CEQ guidance. This guidance is applicable to both simple and complex documents and assumes a basic familiarity with the DOE NEPA Compliance Guide (Volumes 1 and 2) as well as basic project management principles.

The roles and responsibilities of the NDM as listed in DOE Order 451.1A are:

1. Establish a team, representing all necessary DOE Elements to plan, assist in preparing, and concurrently review documents.
2. Conduct an early internal scoping process.
3. Maintain tracking systems to monitor costs of and adherence to the schedule for the NEPA process.
4. Manage the document preparation process, including reviewing internal drafts for technical adequacy, controlling costs, and maintaining schedule.
5. Encourage and facilitate public participation throughout the NEPA process.
6. Evaluate upon completion of the environmental impact statement (EIS) or environmental assessment (EA), any support contractor's performance for timeliness, quality, cost-effectiveness, responsiveness, and application of requirements and guidance.
7. Report to the Office of NEPA Policy and Assistance on lessons learned after completing the EIS or EA.

These highlight the NDM's major focus areas in managing the NEPA process from initiation through approval of the final document to completion of the lessons-learned report. Functionally the NDM is charged with accomplishing all elements of the objective (scope-of-work), in a finite time frame (schedule), and within financial constraints (budget). Therefore, conceptually, this is no different from managing other projects.

Another role not specifically expressed, but is a primary element of the NDMs role in the NEPA process is that of a liaison between the various "players" involved in the NEPA process. The following table defines the "players" and their roles in the process.

NEPA Players	Roles and Responsibilities
DOE NEPA Compliance Officer (NCO)	♦ A source of general NEPA information as well as a resource person for dealing with particular NEPA issues. ♦ Provides QA/QC on the NEPA process and on the NEPA document.
DOE Project Manager (DOE PM)	♦ Responsible for the management of the total project or "Proposed Action" as described in the NEPA document. ♦ Responsible for the overall project scope, cost, and schedule that may be impacted by the NEPA process (cost and schedule).
Advisory Review Team (ART) ♦ Consists of all essential DOE elements including, the NCO, appropriate management, technical specialist, legal counsel, and public relations.	♦ Responsible for participation in internal scoping, review of draft documents, recommending changes to document and informing their management as to the status of the project. ♦ Concurs on NEPA documents and recommends concurrence and/or approval to their management.
Document Preparation Team (DPT) ♦ May consist of DOE, as well as contractor personnel.	♦ Responsible for data collection, writing, editing and making revisions to the NEPA document.
Contractors	♦ May be used in the preparation of the NEPA document. Roles and responsibilities are provided in the Contractor Reform Guidance (found in the NEPA Compliance Guide), as well as can be determined by the ART during internal scoping. ♦ May serve as Subject Matter Experts for specialized analysis and reviews, as needed.
Contractor DPT Project Manager	♦ Responsible for delivering the document in accordance with the scope-of-work, on schedule, and within budget

GETTING STARTED

NDM Appointment and Orientation

Once the decision has been made to prepare an EIS or an EA, the responsible Assistant Secretary or Field Office Manager will appoint the NDM, frequently on the recommendation of the NEPA Compliance Officer (NCO). A November 1998 guidance memo, provided by the Office of NEPA Policy and Assistance, on the knowledge and skills required of a NDM and the NEPA resources available can be found on the EH NEPA Web Site (http//:www.tis.eh.doe.gov/nepa).

The NCO discusses the NEPA process with the NDM, as it is described in CEQ 40 CFR 1500-1508, DOE 10 CFR 1021, the DOE Secretarial Policy Statement, DOE Order 451.1A, and other applicable federal regulations or executive orders. These are contained in DOE's NEPA Compliance Guide. The NCO will ensure that the NDM is aware of the current NEPA implementation procedures. Other discussion topics may include:

- The action being proposed and possible alternatives, the purpose and need for the document,
- Whether other Agencies, Federal, state, local, or Indian tribes need to be included as a cooperating or consulting agency, and
- Composition of the Advisory and Review Team.

The NDM meets with the DOE PM who provides:

- The projects overall schedule and the required document completion date, the budget allocation, and
- An estimate of management and administrative support accessibility, technical staff availability, space and equipment to be provided.

Establishment of the Advisory and Review Team

An Advisory and Review Team (ART) should be established as early in the process as possible. The Team functions as a combination board of directors and stakeholders to ensure the successful completion of the document. The ART members will provide concurrence on the documents and recommend concurrence by their management. For an EA, the ART will be responsible for making a recommendation to the PSO on the threshold determination on whether to issue a Finding of No Significant Impact or begin the EIS process. ART meetings should be held on a regular basis to provide issue resolution, coordination, technical guidance, and in-process review. One of the ART's most important, and earliest, responsibilities is to participate in internal scoping. The most experienced people possible are selected for the team. Cooperation with local DOE and HQ managers ensures that their people will be available when needed. The team includes:

- The NDM
- The NCO
- Project Manager, and others from the proposing organization, as needed.
- Reviewing organizations such as EH and other Program Offices
- Senior technical specialists (both DOE and contractor, if available)
- General Counsel representative
- Contractor PM (if already available)
- Public Affairs representative (if needed)

Internal Scoping

Internal scoping refers to the process of designing the scope, content, and schedule of the NEPA document. Internal scoping is conducted by the ART whose goal it is to gain consensus on issues concerning:

- the project decisions that would be supported by the NEPA process,
- the proposed action,
- the scope and contents of the NEPA document
- the required depth of analysis (sliding scale), and
- the schedule of major milestones

The DOE Operations Offices are required to have a Quality Assurance Plan for Environmental Assessments. This document provides additional important Operations Office specific guidance concerning internal scoping procedures.

The first task of the ART during internal scoping is to review the purpose and need of the proposed action, define the proposed action, and all alternatives that will be considered. Early in the internal scoping process a determination is made regarding the sufficiency of the information available from which an impact evaluation can be made. For example, if the proposed action is the siting of a building, details must be available on the location, footprint, size, parking lots and other ancillary structures, building function, energy and other resource requirements, anticipated emissions and other wastes, number of people to be employed, noise generation, traffic potential, storm water management, and other factors. This is true for the alternatives as well. Usually the amount of information required for an impact analysis of a conventional construction project is contained in a Title I or Preliminary Design. This includes design studies, alternate design approaches, energy conservation evaluations, and analysis of health, safety, and environmental aspects of the project.

Secondly, the ART makes a preliminary evaluation of the environmental parameters included in the description of the affected environment. This will be based on those elements most likely to be impacted by the proposed action and alternatives and conversely, will eliminate those with no likelihood of impact. For example, if the proposal is to build a road across the desert, it is probably not necessary to include much

description of the water resources. This evaluation will also identify those environmental parameters that are of the most importance, or that require detailed analysis or special treatment such as a floodplain/wetlands assessment.

A determination is made at this time on the probable availability of data to describe the affected environment at the level of detail required. If new field data are required, as in a pre-operational monitoring study, or if special studies are indicated, they will add cost and may impact the schedule. NEPA documents requiring extensive new field data have been known to cost an order of magnitude more than those with data easily available. Special studies may also be required and should be identified at this time. They will need to be completed so that their results can be extracted and incorporated into the impact analysis. For example, if the proposed action has operations with a high accident risk potential, an accident risk assessment may be required. The time required to complete a hazard analysis, develop accident scenarios, assess accident frequency and consequence, and evaluate risk may delay the completion of the document unless started early.

The requirements and procedures for the internal review of preliminary draft and preliminary final material are established after the schedule is considered. It is not unusual for reviews, comment resolutions, and signature concurrence to take longer than the writing and production of both draft and final documents. Considerations should include the number of reviews expected, the times to be allotted, consolidation of comments by organization, distribution of software containing standard forms, need for formal response, and meetings for comment resolution with the reviewing organization. Special QA requirements are identified at this time.

The skeleton of a public participation plan or the public scoping process is drafted during this meeting. Public participation in the NEPA process is specifically required in the preparation of an EIS. Public scoping is explained in the Council on Environmental Quality Regulations (10 CRF 1500-1508), as well as DOE's Implementing Regulations (10 CFR 1021). The EA QA Plan (previously mentioned) also contains a Public Participation Plan.

Public participation should be considered for EAs that may have public controversy. Just as the range of alternatives and level of analysis may vary in NEPA documents, depending upon the level of potential impacts, so should the range of public participation opportunities. In applying this “sliding scale“ approach, the extent of opportunities should increase as the potential for environmental impact increases. Even with relatively insignificant environmental impacts, more participation opportunities should be provided when there is substantial interest in or controversy regarding a proposed action. Emphasis is placed on establishing a meaningful dialogue with the public and soliciting their involvement rather than merely seeking information. Public planning also includes actively seeking the participation of minority and low-income populations.

MANAGEMENT PLANNING

Defining the Work Scope

Each NEPA document project is broken down into manageable units. The organization of these work elements provides a definition for the scope of work. The first step includes a list of all major tasks that must be accomplished. For example, public participation, field studies, special studies, preliminary draft document, draft document, preliminary final, and final document. The list contains major tasks required to take the project from the beginning to the end. Each of these will have sub-tasks.

Public participation, for example, contains scoping as one of its subtasks. Each subtask in turn will have a series of activity elements required for completion of its objective. Using scoping as the subtask example, activities will include development of the public scoping strategy, deciding on meeting locations, preparation of notices, advertisements, information papers, meeting presentations, newsletter articles, exhibits, and possibly establishing a 1-800 hot-line. The scoping meetings require logistical and coordination support including arranging suitable facilities, transportation, setting up and breaking down of display exhibits, providing information materials, and preparing a summary that includes activities at local information meetings. The summary includes all comments, questions, and information requests that were collected.

Building the Work Breakdown Structure(WBS)

A common frame of reference is established for relating job tasks to each other and to project costs and schedule. Activities associated with each subtask are placed in a logical sequence, i.e. the order in which they must take place. Some of the activities will have to be completed before the next can begin-usually because their product is needed to start the next activity. Others may need input from preceding activities but can be started before the preceding activities. Identification should also be made of activities in the sequences that are not dependent on preceding activities so they can be performed in parallel. Indication is made of where the activity product fits into the sequence. A logic diagram is a very useful tool for this process. The result shows a network of tasks, subtasks, and activities, demonstrating how they fit together, and identifying major milestones.

Next, a hierarchical numerical designation is assigned to each of the tasks, subtasks, and work activities to be scheduled and budgeted. For example:

1.0 Preparation of Draft EA
- 1.1 Public Participation
  - 1.1.1 Scoping
    - 1.1.1.1 Develop public scoping strategy
    - 1.1.1.2 Identify and secure meeting locations

1.1.1.3 Prepare public notices, advertisements, information papers, and exhibits

1.1.1.4 Develop a public comment and response tracking system

Limiting the breakdown to the fourth level, as above, an EIS could produce up to one hundred WBS items. An EA doesn't necessarily require the development of a WBS, but it can be a useful tool for tracking the development of the document. The preferred level is the minimum needed to meaningfully track the schedule and budget.

Questions commonly raised are: "How much detail do I need to manage properly? If I continue and describe subactivities and then sub-subactivities, will that level of detail provide me with greater control and allow me to do a better job?" The response is, once you get beyond a certain breakdown level, the information value is greatly diminished and the increased maintenance time required to update the schedule and budget far exceeds any control advantage.

A Work Breakdown Structure Dictionary containing a brief description of each WBS item is a valuable tool in communicating with management and staff about project activities.

Developing the Schedule

It is necessary to schedule and track individual tasks, even though the required end-date for the NEPA document has been provided by the DOE PM. The first step is to estimate the length of time required to complete each individual work activity. This is done in consultation with the senior authors of the DPT (including contractors if applicable), and the NCO since, in addition to contributing their experience on the complexity of the technical tasks to the estimate, they can assist in determining the number of staff required.

The length of time is dependent on staffing availability. A summation of the duration for those activities that have to be completed before the next is started will provide the length of time required to complete the subtask. Similarly, treating the subtasks in the same manner, the summation of subtasks will provide the time required to complete the major tasks. A roll-up of these times in turn will provide an initial estimate of the total time to complete the NEPA document. Be sure to include mandated times. The mandated times include:

<u>EIS requirements</u>

- the 15 day duration between publication of the EIS NOI and initiation of scoping meetings (10 CFR 1021.311)
- 30 or 45 day public scoping period (10 CFR 1021.311)
- No less than a 45 day public/stakeholder comment period for the draft document (10 CFR 1021.313)
- 30 day waiting period between issuance of the final document and publication of the Record of Decision. (10 CFR 1021.315).

EA requirements (10 CFR 1021.321 - 322)

- Depending on the complexity of or the issues surrounding the project a 30 or 45 day public scoping period may be necessary.
- 14 – 30 day state and tribal review. 30 day review for Proposed Finding of No Significant Impact in the Federal Register.

It is wise to specify activities that have an uncertain duration. These are items that often exceed the allotted times and are outside the control of the NDM, such as delivery of review comments by other agencies. Most outside agency comments are received at the very end of the comment period.

There is an unofficial Departmental goal of having the median time for the preparation of an EIS be no longer than 15 months. If the total length of time to complete the document is calculated to be unacceptably long, the NDM can either attempt to structure more parallel activities, plan to initiate more activities prior to completion of predecessor activities, or add additional staff effort to shorten the time. Once the NDM has confirmed the duration, actual start and stop dates, or event milestones, can be assigned to each activity. If, as a result of the demands of the schedule, additional funds are needed it is imperative that these issues are discussed with the DOE PM as soon as possible.

Controlling Cost

The NDM will likely be provided a budget for producing a NEPA document rather than going through the exercise of developing the cost estimate. The budget will likely be determined by comparing this effort with similar NEPA efforts and adjusting known costs to account for differences. Even though the challenge for the NDM is to meaningfully distribute the budget proportionately between tasks, rather than pricing out each activity, as in the bottoms up approach, it is still essential to understand how such estimates are made. Otherwise it will not be possible to judge contractor estimates, evaluate cost profiles, or price changes in scope.

Total project cost is comprised of labor cost, other direct costs (ODCs) such as material, travel, printing, copying and graphics, telephones, postage, and contingency. Labor is by far the costliest item in a NEPA project.

At the planning phase there is always a limit on knowing all details to be encountered in implementing a project. It is not unusual for added tasks or requirements to be introduced late, or new data to come to light after the draft has been written. It is not possible to accurately evaluate how many internal and external comments will be received, or how much effort will be needed to resolve them. Consequently a portion of the budget should not be committed but held back for the unforeseen, or contingency. This may represent 10-15% of the total.

Staffing and Organization

The preparation of the NEPA document will be done by the Document Preparation Team (DPT). The first step in establishing the DPT is to identify the availability of DOE personnel to staff the project and what support must be obtained through contractors. For EAs, the DOE Management and Operations contractor frequently is the DPT and drafts the document and presents it to DOE through the NDM. EISs must be prepared by an entity with no financial or other interests in the outcome of the project for which the EIS is being prepared (40 CFR 1506.5).

The acquisition of contractor support is initiated by the NDM through the development of a statement of work. Model Statements of Work can be found in the NEPA Contracting Reform Guidance, known as the "Tan Book", located in the NEPA Compliance Guide - Volume II and on the EH NEPA Website (http://www.tis.eh.doe.gov/nepa). The ART can provide assistance in defining the management, technical, clerical, administrative and public interaction support required of a contractor. A contractor evaluation strategy needs to be discussed so that most selection weighting is given to the area of effort that is most critical to the success or failure of the document. Sufficient time needs to be budgeted to work with the Ordering Contracting Officer to establish the task order strategy, define contractor selection criteria, evaluate proposals, and select the winning contractor. Only the Ordering Contracting Officer is authorized to obligate funds and authorize work to begin.

Space may be necessary to house the DOE technical and if necessary the contractor DPT/support staff together, especially during the development of an EIS. The final product will benefit from such proximity, since producing a NEPA document requires a highly integrated multidisciplinary environment. Achieving this through traveling to meetings, compared to working together, is less productive and not cost effective.

Tasks and subtasks are assigned to individuals on the DPT whose responsibilities include planning and daily supervision of task execution, establishment of work teams for specific activities, early identification and resolution of technical problems, and liaison with other task managers. The "Tan Book" states that the NDM, in coordination with the ART, should develop the "propose and need" as well as the "proposed action", relationship to other actions, and in general ensuring the integration of all the parts. It is very important to have legal counsel as a participant in the ART to assist with the preparation of the "proposed action". The description of the affected environment and the impact analysis is usually divided into subtasks and given to environmental scientists or to specialists in the respective environmental discipline. Special studies such as risk assessment, or specialty tasks, such as public participation, are assigned to experts in those areas. In addition, the use of an editor and a skilled graphics person will greatly enhance a NEPA document. The NDM should read every word of the draft document prior to releasing for any kind of formal review. A good editor will make the NDM's review job much easier.

It is important to develop an organization chart so that everyone understands who has what responsibilities and who reports to whom for assignments, guidance, and supervision. The chart should include members of the ART.

If all of the DPT members are contractor personnel, they will report to and receive direction from that contractors Project Manager (PM). The PM is the individual contractually responsible for delivering the document in accordance with the scope-of-work, on schedule, and within budget. The PM will report contractually to the NDM who is functioning as the Ordering Contracting Officer's Representative.

The contractor PM is responsible for the general supervision of all technical work performed, ensuring that it achieves a high degree of responsiveness. Administrative duties include review and approval of all work plans, staff selection for each task, monitoring of contract and task funds and schedules, and implementation of all quality assurance/quality control (QA/QC) processes for all work and reports.

Document Management Plan

Once the project planning is complete, it is important to document the initial baseline condition in a Document Management Plan (MP). This is not a DOE requirement, however it is a very useful tool for the NDM and the Document Preparation Team. The MP should contain chapters that:

1. Summarize the project objectives and purpose;
2. Describe the work scope and the WBS;
3. List the major milestones in the schedule,
4. Present the detailed budget,
5. Define how the project is to be managed by illustrating the organizational structure, key personnel assignments, methods for cost and schedule control, and
6. Indicates the anticipated communication process and reporting requirements. Appendices can be used to present the detailed schedule and cost projections.
7. Indicates deliverables by staff against the scheduled milestones.

IMPLEMENTATION CONSIDERATIONS

Controlling Resources

If projects were implemented as planned and budgeted, there would be no need to consider control mechanisms. Unfortunately, from the start differences will emerge. For example, staffing will often deviate from that budgeted, both by changes in the mix of individuals needed in the different labor categories and in the times they are available. Or tasks will get late starts because of the lack of some essential input data and take much longer to complete because of it – impacting dependent tasks. Some task budgets will turn out to have been over-estimated, or implemented at less than budgeted cost, and others will be under-estimated. One class of activities that is always under-estimated is

the time required to achieve consensus by multiple individuals or organizations. Examples include document and comment reviews by other internal organizations, cooperating agencies, and independent reviewers.

By careful attention to the financial reports, the NDM will be able to monitor the status of the budget and evaluate the need for corrective action. The types of options are limited, however. If a task is overrunning, money will have to be diverted from other tasks, taken from contingency, or obtained by additional funding.

Established contractor cost control systems have been used successfully on all sizes of DOE programs to effectively monitor project financial performance. These systems extract data from the timekeeping, accounts payable, general ledger, and other audited/approved internal financial systems, and accumulates direct and indirect costs to provide accurate, current project costs. Direct labor hours, labor costs, and ODCs, including all field efforts are usually entered each week. Reports are generated comparing actual direct labor hours, labor costs, ODCs, and fee against budgets for each contract, task assignment, and work package. Indirect costs are accumulated in the general ledger system into separate cost pools for fringe benefits, overhead, and general and administrative expenses. All of these elements are calculated at the least monthly and are monitored to evaluate trends and determine problem areas. There is more information concerning cost control systems in DOE Order 430.1A, Life-cycle Assessment Management.

Meetings and Reports

Meetings are the essential forum for communication and team building and should be scheduled on a regular basis. They allow the NDM to:

- Provide guidance and technical support in developing and implementing approaches for addressing technical issues;
- Coordinate project staff support to achieve project milestones on schedule;
- Facilitate the interdisciplinary work;
- Anticipate and provide corrective action to problems before they result in a cost and schedule impact and;
- Keep the DOE PM fully informed.

For maximum productivity each meeting should have an objective and an agenda.

The "Kick-off Meeting" is the project start and is devoted to the dissemination of information on scope, budgets, schedules, task breakdown, leadership responsibilities, relationships, space, and other housekeeping items. The kick-off meeting is the occasion when the NDM establishes the constraints of the project and shares his or her expectations with the task managers and the staff. A weekly meeting with the contractor PM, senior staff and task managers should take place either before or after the regular meeting with the ART. The purpose of both meetings is to ensure information on the status of the project goes from the staff upwards, and from the project management and

outside interests down to the staff. Using this interactive communication process, the NDM is included in decisions affecting the completion of all assignments, aware of the status of project activities and any changes in the scope of work, milestone dates, or resource requirements. Complex technical issues should be discussed at special meetings called for that purpose and will include only those staff immediately affected. Informal discussions between the NDM and project staff is encouraged as an opportunity to verify information and ensure that there are no problems that have not been reported and addressed.

The periodic report provided by the contractor PM to the NDM, usually monthly, provides written confirmation of the progress of the effort by task. It shows technical progress made during the previous period compared to schedule and budget. As such it represents the history of the project. Although there are many different electronic formats available, and many formal requirements in the system, the basic standard is referred to as the PPP Report, for Progress, Plans, and Problems. It provides information on the progress made since the last report, by task, the plans for accomplishment in the next period, and any problems impeding task activities. Of particular importance is the review and analysis of the section on project costs. Unlike information on technical progress reported through weekly meetings, cost information is usually only available on a monthly basis. Actual labor hours and cost by task will be compared to budgeted projections for the reporting period - and cumulative profiles. They will be rolled-up to show the total project costs as well.

Development and Maintenance of the Administrative Record

A good filing system is one of the most important project items. Because it is more mundane it is frequently overlooked. It is fundamental to being able to produce an accurate Administrative Record. The Administrative Record is a collection of information pertinent to a NEPA-related action. The purpose of the Administrative Record is to provide a chronological listing of important documents and events or other information to facilitate project administration and future review or consultation on the project. The Administrative Record should include plans, reports, notices, correspondence, distribution lists, letters and responses on comments, presentations, and other records. The Administrative Record also is needed in the event that litigation is brought against the DOE concerning the project. The NDM should consult the NCO for guidance on developing and maintaining the Administrative Record.

AT THE END

Evaluation of Contractor Performance

If a contractor is used during the preparation of the NEPA document, then the NDM is responsible for evaluating the contractor's performance for timeliness, quality, cost-effectiveness, responsiveness, and application of requirements and guidance. There is

DOE NEPA Contractor Performance Evaluation Form located in the “Tan Book”. This form is presented to the contractor at the beginning of the contract so that the NDM's expectations are understood. This evaluation should be completed shortly after completion of the contractor's performance period.

Completion of the Lessons Learned Questionnaire

The Office of NEPA Policy and Assistance (EH-42) has developed a NEPA Lessons Learned program and a questionnaire has been developed to collect and analyze information. NDMs, as well as all members of the DPT, are encouraged to complete it upon completion of the NEPA process. EH-42's Lessons Learned questionnaire requires an evaluation of the overall NEPA process, identification successes and issues, and cost and schedule reporting. A summary of the Lessons Learned are available in the Quarterly NEPA Lessons Learned Report. Copies of the Lessons Learned questionnaire can be completed and viewed on the web at http://www.tis.eh.doe.gov/nepa. The NDM should review these lessons learned reports prior to beginning the NEPA process because valuable information could be obtained making the job easier by not repeating mistakes.

Appendix C

Examples of Office of Science NEPA Determinations and Notice of Intent to Prepare an EIS

Appendix C
Example EIS Determination Memo

DOE F 1325.8
(08-89) (EFG 07-90)

United States Government **Department of Energy**

memorandum

DATE: DEC 16 1994

REPLY TO ATTN OF: Energy Research

SUBJECT: National Environmental Policy Act Determination for the Proposed Spallation Neutron Source

TO: Martha A. Krebs, Director, Office of Energy Research

THRU: James F. Decker, Deputy Director, Office of Energy Research

Attached is a memorandum for your signature which will start the environmental impact statement process for a spallation neutron source with Oak Ridge being the preferred site, and a schedule for the preparation of the environmental impact statement. The memorandum should be signed as soon as we know that the fiscal year 1996 budget has funds for a spallation neutron source study. With this memorandum, you direct me to start the preparation of the environmental impact statement.

Original signed by
Iran L. Thomas

Iran L. Thomas
Acting Associate Director
for Basic Energy Sciences
Office of Energy Research

Attachment

ER-10:ILThomas:caf:3-3081:12/9/94 C:IRAN:SNSNEPA.MMO/SNSNEPA.TXT
ER-63 changes made 12/16/94

bcc:
ER-1 (3)
ER-60
ER-4
ER-622 FORSTL
ER-8 (Hickey)
ER-13 (Gottschall/Oosterhuis)
ER-14 (Goel)
ER-63

DOE F 1325.10 (5-88) EFG (07-90)

OFFICIAL FILE COPY

CONCURRENCES	
RTG. SYMBOL	ER-10
INITIALS/SIG.	ILThomas
DATE	12/9/94
RTG. SYMBOL	ER-13
INITIALS/SIG.	Gott/Ooste
DATE	12/12/94
RTG. SYMBOL	ER-14
INITIALS/SIG.	SGoel
DATE	12/13/94
RTG. SYMBOL	ER-8
INITIALS/SIG.	CHickey
DATE	12/13/94
RTG. SYMBOL	ER-63
INITIALS/SIG.	DLorenzo
DATE	12/14/94
RTG. SYMBOL	ER-60
INITIALS/SIG.	DMayhew
DATE	12/15/94
RTG. SYMBOL	ER-4
INITIALS/SIG.	JClark
DATE	12/ /94
RTG. SYMBOL	ER-2
INITIALS/SIG.	JDecker
DATE	12/ /94
RTG. SYMBOL	ER-1
INITIALS/SIG.	MKrebs
DATE	12/ /94

Appendix C
Example EIS Determination Memo

SUMMARY OF EVENTS RELATED TO THE ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE PROPOSED SPALLATION NEUTRON SOURCE

The Secretary's National Environmental Policy Act (NEPA) Policy Statement of June 1994 established a Department goal to reduce the median process time for EIS preparation to 15 months. The 15 months would encompass the elapsed time from issuance of the Notice of Intent through the publication of the final EIS. The NEPA process must be completed prior to initiation of KD #2, Detailed Design.

Other related events are listed below.

EVENT	DISCUSSION
NEPA Determination (December 1994)	ER-1 makes determination to prepare an EIS under the DOE NEPA regulations (10 CFR 1021).
ER/BES Begins Conceptual Design (FY 1995)	ER would propose reprogramming from the Advanced Neutron Source (FY 1995) budget.to provide start-up funds for conceptual design work.
BES Initiates 4700.1 Process	BES initiates the milestones under DOE Order 4700.1 to obtain KD #0; project planning and NEPA schedule are integrated.
BES Appoints a NEPA Document Manager and Designs EIS Process	BES conducts an "internal scoping" process within DOE to design the EIS process, strategy, and timing and to consider the scope and content of the EIS in terms of environmental issues, alternatives, and the public scoping process. DOE "stakeholders" are included: ER, EH, GC, OR, ORNL, and other field and laboratory personnel, as appropriate.
DOE Issues Notice of Intent to Prepare EIS	BES coordinates the preparation of an NOI that announces the intent to prepare an EIS and that initiates the scoping process (FY 1995). If conceptual design information is required to support the NOI, either the NOI should be delayed, or an Advance NOI could be issued to take public comment, but not to initiate the formal scoping meeting process.

Appendix C
Example EIS Determination Memo

DOE Conducts Formal Public Scoping Process	Formal Public Scoping/Information Meetings are held to solicit input from the public on the scope and content of the EIS. Meetings should be held at the preferred site, the reasonable alternatives sites, and perhaps in Washington, DC.
BES Solicits Contractor to Prepare EIS (FY 1995)	BES pursues finding a contractor to participate in scoping, prepare the EIS Implementation Plan, and write the EIS.
EIS Contractor Drafts EIS IP for BES	The EIS Implementation Plan (IP) is the "Project Plan" for the "design and construction" of the EIS. It will discuss: the scope and content of the EIS and the issues to be analyzed (including alternatives); the EIS schedule; the results of public scoping; and the public comments that will and will not be analyzed. The EIS IP will be approved by ER-1, after comment from EH and GC.
DOE Prepares Draft EIS and Issues for Public Comment	Contractor prepares preliminary draft EIS for DOE review; DOE reviews and approves DEIS and issues for public comment (45-90 days). Notice of Availability issued by U.S. EPA.
DOE Conducts Public Hearings on DEIS	DOE conducts formal public comment meetings on the Draft EIS during the period of public availability.
DOE Prepares Final EIS	DOE prepares the Final EIS based on the written and oral comments received, and includes a formal written comment-response discussion on each comment received.
DOE Issues Final EIS	DOE publishes final EIS, files with U.S. EPA for issuance of Notice of Availability, distributes to the public.
DOE Issues Record of Decision (ROD)	ER prepares ROD and seeks review and concurrence from EH and GC. ROD is signed by ER-1 and published for 30 days in Federal Register.
BES Seeks KD #2	Detailed design may proceed after completion of the NEPA process.

Appendix C
Example EIS Determination Memo

DOE F1325.8
(08-89) (EFG 07-90)
United States Government **Department of Energy**

memorandum

DATE: FEB 0 6 1995

REPLY TO ATTN OF: Energy Research

SUBJECT: National Environmental Policy Act Determination for the Proposed Spallation Neutron Source

TO: Iran Thomas, Acting Associate Director, Office of Basic Energy Sciences

In recognition of the needs of the Department and the Nation for neutron beams for research, the Department proposes to begin the development of a new high-energy linear accelerator facility, the Spallation Neutron Source, that would serve as a cornerstone for advanced research in neutron scattering into the next century. The proposed Spallation Neutron Source would satisfy many of the most important needs of the United States for pulsed neutron beams for experiments in physics, chemistry, and biology. In order to take advantage of the experience gained in the development of the Advanced Neutron Source Conceptual Design, and the availability of highly trained and experienced scientific and technical staff, the Department's preferred location for the proposed project would be the Oak Ridge National Laboratory.

Even though the development of the proposed Spallation Neutron Source is not yet officially approved or funded, it is appropriate (as per 40 CFR 1508.23) to begin the National Environmental Policy Act (NEPA) review process in order to integrate the NEPA process with project planning and to insure that project planning and decisions reflect environmental values. Since the proposed facility is a high-energy accelerator that would be a Major System Acquisition level project, I have determined that the proposal fits the class of actions normally requiring preparation of an Environmental Impact Statement (EIS) under Appendix D to Subpart D of 10 CFR 1021. The Office of Basic Energy Sciences should initiate this EIS that should evaluate the potential environmental consequences of the proposal to site, construct, and operate the facility at Oak Ridge, as well as evaluate reasonable alternatives to the proposal.

Original signed by

Martha A. Krebs
Director
Office of Energy Research

Attachment:
Summary of Events

cc:
T. O'Toole, Environment, Safety and Health
J. LaGrone, Oak Ridge Operations Office

Internet address: http:\www.nawcwpns.navy.mil/~pmeis.

Navy will set up several information stations at these scoping meetings; each information station will be staffed by a Navy representative who will be available to answer questions from meeting attendees. In addition, Navy representatives will give a brief presentation about current NAWCWPNS activities on the Point Mugu Sea Range followed by a description of the proposed action and alternatives (including the No-Action alternative). Members of the public may offer verbal or written comments at the scoping meetings, or subsequent to the meetings by mail, by facsimile, or by toll-free telephone at (888) 217–9045. Verbal comments will be limited to three minutes per individual. All comments, whether verbal or written, will receive the same attention and consideration during EIS/OEIS preparation.

Navy's official repository is located at the Oxnard Public Library, Reference Desk, 251 South ''A'' Street, Oxnard, CA 93030, (805) 385–7507.

ADDRESSESS: Navy will accept comments at the address listed below. To ensure that Navy has sufficient time to consider public input during preparation of the Draft EIS/OEIS, scoping comments should be submitted to the following address by September 13, 1997: Ms. Cora Fields, Point Mugu Sea Range EIS, c/o Code 832000E, 521 Ninth Street, Point Mugu, CA 93042–5001, telephone (805) 989–0128, FAX (805) 989–0143; or, Ms. Gina Smith, telephone (805) 989–0141, FAX (805) 989–0143. Individuals or groups with special needs, such as accessibility, foreign language translation, assistance for the blind or hearing impaired, should contact Ms. Fields or Ms. Smith at least one week before the scoping meeting.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this notice may be obtained by contacting Ms. Fields or Ms. Smith.

Dated: July 21, 1997.

M.D. Sutton,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 97–19615 Filed 7–24–97; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF EDUCATION

[CFDA 84.037]

Office of Postsecondary Education; Availability of the Amendments to the National Direct Student Loan and Federal Perkins Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits for the 1996–97 School Year

AGENCY: Department of Education.

ACTION: Notice of availability of the amendments to the 1996–97 National Direct Student Loan and Federal Perkins Loan Programs Directory of Designated Low-Income Schools.

SUMMARY: Institutions and borrowers participating in the Federal Perkins Loan and National Direct Student Loan Programs and other interested persons are advised that they may obtain information regarding the amendments to the National Direct Student Loan and Federal Perkins Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits for the 1996–97 School Year (Directory). The amendments identify changes in the list of schools that qualify borrowers for teacher cancellation benefits under each of the loan programs.

DATES: The amendments to the Directory are currently available.

ADDRESSES: Information concerning specific schools listed in the amendments to the Directory may be obtained from Systems Administration Branch, Campus-Based Programs System Division, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 4051, ROB–3), Washington, DC. 20202–5453, Telephone (202) 708–6726.

Information concerning deferment and/or cancellation of a National Direct Student Loan or Federal Perkins Loan may be obtained from Gail McLarnon or Sylvia Ross, Campus-Based Loan Programs Section, Loans Branch, Policy Development Division, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., (Room 3045, ROB–3), Washington, DC. 20202–5453, Telephone (202) 708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: The amendments to the Directory are available at (1) each institution of higher education participating in the Federal Perkins Loan Program, (2) each of the fifty-seven (57) State and Territory Departments of Education, (3) each of the major Federal Perkins Loan billing services, and (4) the U.S. Department of Education.

SUPPLEMENTARY INFORMATION: The Secretary of Education published a notice in the **Federal Register** on January 9, 1997, (62 FR 1376) that the Directory was available. The Secretary has revised the Directory due to the opening and closing of schools, school name changes, and the need for other corrections. These revisions are listed in the amendments to the Directory.

The procedures for selecting the schools that qualify borrowers for cancellation benefits are described in the Federal Perkins Loan Program regulations at 34 CFR 674.53 and 674.54. The Secretary has determined that for the 1996–97 academic year full-time teaching in the schools set forth in the Directory and the amendments to the Directory qualifies a borrower for cancellation benefits.

The Secretary is providing the amendments to the Directory to each institution participating in the Federal Perkins Loan Program. Borrowers and other interested parties may check with their lending institutions, the appropriate State or Territory Department of Education, regional offices of the Department of Education, or the Office of Postsecondary Education of the Department of Education concerning the identity of qualifying schools for the 1996–97 academic year.

The Office of Postsecondary Education retains, on a permanent basis, copies of all published amendments and Directories.

Dated: July 16, 1997.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 97–19665 Filed 7–24–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Impact Statement for Siting, Construction, and Operation of the National Spallation Neutron Source

AGENCY: Department of Energy.

ACTION: Notice of Intent (NOI).

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS), pursuant to the National Environmental Policy Act

(NEPA), on the siting, construction, and operation of the proposed National Spallation Neutron Source (NSNS). The proposed NSNS facility would consist of a proton accelerator system; a spallation target; and appropriate experimental areas, laboratories, offices, and support facilities to allow ongoing and expanded programs of neutron research. The proposed site for the NSNS is the DOE-owned Oak Ridge National Laboratory in Oak Ridge, Tennessee. The alternative sites under consideration are three other DOE-owned laboratories: Argonne National Laboratory, Argonne, Illinois; Los Alamos National Laboratory, Los Alamos, New Mexico; and Brookhaven National Laboratory, Upton, New York. DOE invites the public, organizations, and agencies to present oral or written comments concerning: (1) The scope of the EIS, (2) the issues the EIS should address, and (3) the alternatives the EIS should analyze.

DATES: The public scoping period begins with publication of this NOI and continues until September 12, 1997. Written comments submitted by mail should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practicable.

DOE will conduct public scoping meetings to assist in defining the appropriate scope of the EIS and to identify significant environmental issues to be addressed. These meetings will be held at the following times and locations:

August 11, 1997, American Museum of Science and Energy, 300 South Tulane Avenue, Oak Ridge, Tennessee 37830; Times: 1:30–4:30 p.m. and 6:30–9:30 p.m.

August 14, 1997, Argonne National Laboratory, Building 401—Advanced Photon Source, Room A1100, 9700 Cass Avenue, Argonne, Illinois 60439; Times: 1:30–4:30 p.m. and 6:30–9:30 p.m.

August 19, 1997, Los Alamos Area Office, Main Conference Room (Room 100), 528 35th Street, Los Alamos, New Mexico 87544; Times: 1:30–4:30 p.m. and 6:30–9:30 p.m.

September 4, 1997, Brookhaven National Laboratory, Berkner Hall (Bldg. 488), Brookhaven Avenue, Upton, New York 11973; Times: 1:30–4:30 p.m. and 6:30–9:30 p.m.

ADDRESSES: Please direct comments or suggestions on the scope of the EIS, requests to speak at the public scoping meetings, requests for meeting special needs to enable participation at scoping meetings (e.g., interpreter for the hearing-impaired) and questions concerning the project to: David Wilfert, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/FEDC, Oak Ridge, Tennessee 37831, telephone: (800) 927–9964, facsimile: (423) 576–4542, or e-mail NSNSEIS@ornl.gov.

FOR FURTHER INFORMATION CONTACT: For general information associated with the research aspects of the NSNS, please contact: Iran Thomas, Deputy Associate Director, Office of Basic Energy Research, Office of Energy Research, U.S. Department of Energy, ER–10, Germantown, MD 20874, telephone: (301) 903–3427.

For general information on the DOE NEPA process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0119, telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

Over the past 40 years, the use of neutrons for research purposes, a use pioneered in the United States, has played a valuable role in advancements in the fields of fundamental physical and biological sciences, material technology, and medicine. However, in the last two decades, the United States has fallen behind the European scientific community in the availability of state-of-the-art neutron sources and instrumentation because of the age of its existing facilities. Existing United States reactor-based neutron sources were built in the 1960s, and existing accelerator-based sources were built in the early 1980s. These facilities have had minimal upgrading and modernization, and are not well suited for the specific areas of research to which scientific investigation has evolved. In 1994, a proposal to build a new reactor-based neutron source, the Advanced Neutron Source (ANS), was not supported by Congress because of high costs (approximately $3 billion) and potential nuclear proliferation issues. Now, DOE is proposing to construct and operate the NSNS Project to provide the United States with a modern accelerator-based neutron source and neutron science research facility at a cost of approximately $1 billion to meet current and future research needs.

The proposed NSNS would produce short pulses of neutrons for use in materials research. This would be accomplished through the ''spallation'' process wherein (1) subatomic particles, called protons, are accelerated to very high energies; (2) the high energy protons are ''bunched'' into a compact group; (3) the bunched, high energy protons are directed onto a target made of a high atomic number material, in this case mercury; and (4) the collision of the protons with the target produces a pulse of neutrons from the target material. Once the spallation process is completed and the neutron pulse is produced, the neutrons would be slowed to useful energy levels, and would be guided onto samples of the materials being studied. The interactions of the neutrons and the specimens would be measured and analyzed, thus revealing information on the structure, properties, and behavior of the test material.

Purpose and Need for the NSNS

The purpose of the proposed NSNS Project is to provide the United States with its only modern, high performance pulsed neutron research facility. Since the 1970s, numerous assessments have firmly established the need for new neutron sources and instrumentation in the United States. The proposed facility would allow for advanced research in the United States in the physical and biological sciences, for industrial application, and medical research. Current facilities are inadequate to meet the existing demand for neutron research and, even if upgraded, would not be able to satisfy the growing future demand.

The need for new neutron sources has been recognized by national panels investigating the status of neutron sources and science in the United States since a National Academy of Sciences (NAS) study in 1984. After reviewing all major domestic facilities for materials research, a NAS panel recommended:

1. Construction of a steady-state, high-flux neutron source; and

2. Development of a plan leading to the construction of a major pulsed spallation neutron source.

These recommendations were reaffirmed in 1993 by DOE's Basic Energy Science Advisory Committee (BESAC) Panel on ''Neutron Sources for America's Future.'' Although a reactor-based Advanced Neutron Source (ANS) Project was proposed in each of fiscal years 1994 and 1995, the proposal was not continued in the fiscal year 1996 budget process, primarily due to the high cost (approximately $3 billion) of the total project. As a result, emphasis shifted to the lower cost proposed accelerator-based NSNS facility. According to the most recent BESAC recommendations (1996), there is an urgent need to build a short pulsed spallation source in the 1 MW power

range, dedicated to neutron scattering, with sufficient design flexibility to permit future modification for operation at higher power. The EIS will analyze the potential environmental impacts associated with the construction and operation of the facility in its fully upgraded condition (4–5 MW).

Proposed Action and Alternatives

The proposed NSNS facility would consist of a proton accelerator system, a spallation source to produce neutron pulses, and appropriate experimental areas, laboratories, offices, and support facilities to allow ongoing and expanded programs of neutron research. The NSNS Project would provide key capabilities to support multiple elements of DOE strategic planning, such as:

- Constructing leading-edge facilities for use by industries, universities, and government laboratories;
- Providing new insights into the nature of matter and energy;
- Maintaining core competencies and partnering with the private sector and other agencies; and
- Accelerating the use of emerging technologies.

DOE proposes to construct and operate the NSNS at Oak Ridge National Laboratory (ORNL) in Oak Ridge, Tennessee. Locating the NSNS at ORNL would offer access to existing facilities which could support the proposed NSNS facility and would take advantage of experienced staff at those facilities, including researchers with expertise in the appropriate scientific disciplines. Supporting facilities, including utilities, waste management and storage facilities, also exist at ORNL.

DOE will evaluate reasonable alternative locations, the no-action alternative, and technology alternatives. In addition to ORNL, the proposed site of the NSNS, the EIS will also analyze the potential environmental impacts associated with constructing and operation of the NSNS at three other reasonable sites: Argonne National Laboratory (ANL), Argonne, Illinois; Los Alamos National Laboratory (LANL), Los Alamos, New Mexico; and Brookhaven National Laboratory (BNL), Upton, New York. DOE identified these sites as reasonable through the application of four screening criteria to a total of thirty-nine candidate sites. The four criteria were: (1) The availability of 110 acres of land; (2) the existence of a one mile buffer zone separating the proposed NSNS from populated areas; (3) the ready availability of 50 to 60 MW of electric power; and (4) existence of the infrastructure and trained personnel associated with an ongoing neutron science program. Technology alternatives include reactor-based neutron sources and variations in the accelerator-based system. The no action alternative would be not to build or operate the NSNS.

Conceptual Design

Neutrons are one of two major particles (protons being the other) comprising the nucleus of atoms, and because they have no electric charge, they can penetrate deeply into the molecules of test materials to give scientists new insights into the structure and properties of the material. The NSNS facility would extract neutrons from the nuclei of ''target'' material so they can be subsequently used for research on various specimens.

A process known as ''spallation'' is applied to extract neutrons from target nuclei. In the spallation process, target nuclei containing large numbers of neutrons (typically heavy metals such as lead, mercury, tungsten, etc.) are struck with high energy (fast moving) particles to eject some of the contained neutrons. A large part of the NSNS facility is the accelerator system needed to produce and deliver the high energy particles (in this case protons) onto the target material. The accelerator system is comprised of:

1. An ion source to electrically charge hydrogen atoms (a hydrogen atom is comprised of a single proton in the nucleus and one orbiting electron) so they can be accelerated using magnetic fields and electromagnetic energy. This part of the facility is relatively small, i.e., only a few meters in length.
2. A Linear Accelerator (linac), which is a series of energy-inducing devices used to accelerate (increase energy level) the protons (hydrogen ions) and form a beam of high energy particles. The linac structure is approximately 550 meters (about ⅓ mile) long.
3. A storage ring to accumulate large numbers of the high energy protons, and then release that grouping of protons in a single pulse onto the target. The storage ring is a rectangular-shaped structure approximately 80 meters across.

The accelerator system is operated so that proton pulses from the storage ring are repeatedly directed onto the target at a repetition rate of 6 Hz (60 times per second). The initial design of the NSNS would involve approximately 1 MW of power (equivalent to approximately 1,340 horsepower) being deposited onto the target from this series of proton pulses. As time and technology permits, the NSNS may undergo a series of upgrades in future years to raise the beam power on the target.

The target of the proton pulse power would be liquid mercury circulated in a stainless steel vessel. Mercury, as a target material, provides good conversion of protons to released neutrons and, as a liquid, it can be continuously circulated in a closed system to absorb the impact of the proton pulses, release pulses of neutrons, and transport impact energy (heat) to remote cooling systems. Approximately 1 cubic meter of mercury would be used in the NSNS, a volume that would be expected to last for the facility's design life of 40 years.

Because the neutrons released by the spallation process are moving very fast, they must be moderated (slowed) to levels suitable for research needs. Neutron moderation is achieved by successive collisions of the fast neutrons with cooler nuclei. In the NSNS, two thermal moderators and two cryogenic moderators would be positioned around the mercury target to slow the neutrons in each pulse. First, the thermal moderators would use water to slow the neutrons to speeds associated with room temperatures (approximately 2200 meters per second). Concurrently, cryogenic moderators would use liquid hydrogen to slow the neutrons to speeds associated with very low temperatures (approximately 500 meters per second). Beam guides, 18 in all, would direct the slowed neutrons to experiment stations where the scientific research is conducted. The building housing the target, moderators, beam guides, and research instruments would be approximately 50 by 75 meters in size.

The NSNS facility would be appropriately integrated into the site infrastructure of the host laboratory, including roadways, utilities, and monitoring systems. The laboratory would provide security and fire protection. The entire facility would require approximately 110 acres of cleared land, and ready access to and availability of 50–60 MW of electric power. It would have a design lifetime of 40 years, but the design would not preclude lifetime extensions beyond 40 years. Systems and structures would be designed to facilitate eventual decontamination and removal.

Design of the NSNS is projected to span four years (FY 1999–2002), and construction nearly five years (FY 2000–2004). Facility commissioning would occur in FY 2003–2004, with FY 2005 being the first full year of operation. Project staffing is estimated to rise from approximately 30 to approximately 90 during conceptual design (FY 1996–1998); rise from approximately 100 to a peak of approximately 1200 and decline to approximately 225 during design/

construction (FY 1999–2004); and hold at approximately 225 for operation (FY 2004 and beyond). The estimated total project cost from conceptual design through commissioning is approximately $1 billion.

Preliminary Environmental Analysis

DOE plans to analyze potential impacts of the NSNS project on the following parameters. This list is neither intended to be all-inclusive, nor is it a predetermination of potential impacts. Additions to or deletions from this list may occur as a result of the scoping process.

- Earth Resources: physiography, topography, geology, and soil characteristics.
- Land Use: plans, policies and controls.
- Water Resources: surface and groundwater hydrology, use, and quality.
- Air Quality: Meteorological basis, ambient background, pollutant sources, and potential degradation.
- Radiation Background: Cosmic, rock, soil, water, and air.
- Hazardous Materials: Handling, storage, and use; waste management both near- and long-term.
- Noise: Ambient, sources, and sensitive receptors.
- Ecological Resources: Aquatic, terrestrial, economically/recreationally important species, threatened and endangered species.
- Socioeconomics: Demography, economic base, labor pool, housing, transportation, utilities, public services/facilities, education, recreation, and cultural resources.
- Historical and Archaeological Resources: Paleontological and archaeological sites, Native American resources, historic and prehistoric sites.
- Scenic and Visual Resources.
- Wetlands: Protection and remediation.
- Health and Safety: Public and occupational impacts from routine operation and credible accident scenarios.
- Natural Disasters: Floods, tornadoes, and seismic events.
- Unavoidable Adverse Impacts.
- Natural and Depletable Resources: Requirements and conservation potential.
- Environmental Justice: Disproportionately high and adverse impacts to minority and low income populations.

The preliminary identification of reasonable alternatives and environmental issues presented in this NOI is not meant to be exhaustive or final. Alternatives other than those presented in this document may warrant examination, and new issues may be identified for evaluation.

Relevant issues related to decommissioning of the NSNS will be addressed to the extent possible. Additional NEPA review may be necessary in the future when decommissioning plans are proposed.

Scoping Meetings

The purpose of this NOI is to encourage early public involvement in the EIS process and to solicit public comments on the proposed scope and content of the EIS. DOE plans to hold formal public scoping meetings in the vicinity of the proposed and alternative sites to solicit both oral and written comments from interested parties.

DOE will designate a presiding officer for the scoping meetings. The scoping meetings will not be conducted as evidentiary hearings, and there will be no questioning of the commentors. However, the presiding officer may ask for clarification of statements to ensure that DOE fully understands the comments and suggestions. The presiding officer will establish the order of speakers. At the opening of each meeting, the presiding officer will announce any additional procedures necessary for the conduct of the meetings. To ensure that all persons wishing to make a presentation are given the opportunity, a five-minute limit may be enforced for each speaker, with the exception of public officials and representatives of groups who will be allotted ten minutes each. Comment cards will also be available for those who would prefer to submit their comments in written form.

DOE will make transcripts of the scoping meetings and other environmental and project-related materials available for public review in the following reading rooms:

1. U.S. Department of Energy, Freedom of Information Public Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–3142
2. U.S. Department of Energy Reading Room, Oak Ridge Operations Office, 200 Administration Road, Room G–217, Oak Ridge, Tennessee 37831, Telephone: (423) 241–4780
3. Argonne National Laboratory, ¾ Documents Department, University Library, Third Floor Center, University of Illinois at Chicago, 801 South Morgan Street, Chicago, Illinois 60439, Telephone: (312) 996–2738
4. BNL Research Library, Bldg. 477A Brookhaven Ave., Upton, NY 11973, Telephone: (516) 344–3483
5. Longwood Public Library, 800 Middle Country Rd., Middle Island, NY 11953, Telephone: (516) 924–6400
6. Mastics-Moriches-Shirley Community Library, 301 William Floyd Parkway, Shirley, NY 11967, Telephone: (516) 399–1511
7. Los Alamos National Laboratory Public Outreach and Reading Room, Los Alamos, New Mexico 87544, Telephone: (505) 665–2127

NEPA Process

The EIS for the proposed facility will be prepared according to the National Environmental Policy Act of 1969, the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508) and DOE's NEPA Regulations (10 CFR part 1021).

The draft EIS is scheduled to be published by March 1998. A 45-day comment period on the draft EIS is planned, and public hearings to receive comments will be held approximately one month after distribution of the draft EIS. Availability of the draft EIS, the dates of the public comment period, and information about the public hearings will be announced in the **Federal Register** and in the local news media when the draft EIS is distributed.

The final EIS, which will incorporate public comments received on the draft EIS, is expected in July 1998. No sooner than 30 days after a notice of availability of the final EIS is published in the **Federal Register**, DOE will issue its Record of Decision and publish it in the **Federal Register**.

Signed in Washington, DC this 21st day of July, 1997.

Peter N. Brush,

Principal Deputy Assistant Secretary, Environment, Safety and Health.

[FR Doc. 97–19616 Filed 7–24–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11175–002 Minnesota]

Crown Hydro Company; Notice Modifying and Establishing a Restricted Service List for Comments on a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

July 21, 1997.

On April 20, 1997, the Commission issued a notice for Project No. 10455 proposing to establish a restricted

Issued in Washington, DC on November 18, 1997.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal and Power Im/Ex, Office of Coal and Power Systems, Office of Fossil Energy.

[FR Doc. 97–30795 Filed 11–21–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Wetland Involvement; for Construction of a Consolidated Waste Processing Facility at the Miamisburg Environmental Management Project (MEMP)

AGENCY: Department of Energy (DOE), Miamisburg Environmental Management Project.

ACTION: Notice of wetland involvement.

SUMMARY: This is to give notice of DOE's proposal to construct a consolidated waste processing facility at the Miamisburg Environmental Management Project, located approximately ten (10) miles southwest of Dayton, Ohio. The proposed activity would involve a small portion of an isolated, man-made wetland in Montgomery County, Ohio. In accordance with 10 CFR 1022, DOE will prepare a Wetlands Assessment and conduct the proposed action in such a manner to avoid or minimize potential harm to or within the affected wetland area.

DATES: Written comments must be received by the DOE at the following address on or before December 9, 1997.

ADDRESSES: For further information on this proposed action, including a site map and/or a copy of the Wetlands Assessment, contact: Mr. James O. Johnson, SM/PP Hill Performance/ Technical Monitor, U.S. Department of Energy, Miamisburg Environmental Management Project Office, P.O. Box 66, Miamisburg, OH 45343–0066. Phone: (937) 865–5234; Facsimile: (937) 865–4489.

FOR FURTHER FURTHER INFORMATION CONTACT: For further information on general DOE wetland and floodplain environmental review requirements, contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. Phone: (202) 586–4600 or 1–800–472–2756.

SUPPLEMENTARY INFORMATION: The proposed activity would directly support the ongoing environmental remediation program at the Mound Plant. Construction and operation of the temporary, pre-fabricated consolidated waste processing facility would accomplish volume-reduction, metal recovery and waste packaging goals established for the site. Included in the construction of the facility are equipment and laydown pads and a roadway. Approximately 20% of the 50′ × 60′ laydown pad would encroach upon an isolated, man-made wetland with an overall areal extent of 0.04 acres. Construction of the laydown pad would, in turn, impact approximately one-third (⅓) of the subject wetland; the remaining two-thirds (⅔) of the wetland would not be impacted. The wetland was one of several delineated in the Mound Plant Habitat map (Mound Plant Ecological Characterization Report, March 1994); the map was prepared in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and has the concurrence of the Corps. The proposed action would result in long-term and direct impacts to approximately one-third of the 0.04 acre man-made wetland, as a result of back-filling with gravel before construction of the laydown pad. Best management practices would be utilized to minimize the amount of wetland area impacted. All reasonable efforts would be taken to backfill the smallest area of wetland possible. Staging and transport of equipment and supplies in the wetland would be avoided. Erosion controls such as silt fences would be used, if needed, to minimize sediment deposition into the wetland. Culverts would also be used, if necessary, to ensure continued overland flow to the wetland.

Issuance: Issued in Miamisburg, Ohio on November 18, 1997.

Susan L. Smiley,

NEPA Compliance Officer, Ohio Field Office.

[FR Doc. 97–30794 Filed 11–21–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Impact Statement for the High Flux Beam Reactor Transition Project at the Brookhaven National Laboratory, Upton, NY

AGENCY: Department of Energy.

ACTION: Notice of intent (NOI).

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act (NEPA), for the High Flux Beam Reactor (HFBR) at the Brookhaven National Laboratory (BNL) in Upton, New York. The EIS will evaluate the range of reasonable alternatives regarding the future of the reactor, as required by NEPA, including: (1) No action (maintaining HFBR in a shutdown and defueled condition); (2) resume operation at a power level of 30 megawatt (MW) or up to 60 MW; (3) resume operation and enhance the facility; and (4) permanent shutdown with eventual decontamination and decommissioning (D&D). DOE invites individuals, organizations, and agencies to present oral and/or written comments concerning the scope of the EIS, including the environmental issues and alternatives the EIS should analyze.

DATES: The public scoping begins with publication of this NOI in the **Federal Register** and continues until January 23, 1998. Written comments submitted by mail should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practicable.

DOE will conduct public scoping meetings to assist it in defining the appropriate scope of the EIS, including the significant environmental issues to be addressed. DOE plans to hold scoping meetings in the vicinity of BNL in December 1997 and January 1998. The December meeting will be held at the following date, time and location:

December 10, 1997, Mastic Beach Property Owners Association, 31 Neighborhood Road, Mastic Beach, New York 11951; Time: 4:00 p.m.–9:00 p.m.

Locations of additional scoping meetings to be held in January will be announced through the local media as soon as possible, but at least 15 days prior to the date of the meetings.

ADDRESSES: Please direct comments or suggestions on the scope of the EIS, requests to speak at the public scoping meetings, requests for special arrangements to enable participation at scoping meetings (e.g., interpreter for the hearing-impaired) and questions concerning the project to: Michael Holland, Brookhaven Group, U.S. Department of Energy, 53 Bell Avenue, Bldg. 464, P.O. Box 5000, Upton, NY 11973–5000, (516) 344–3552, telefax (516) 344–1377, or by electronic mail to mholland@bnl.gov.

FOR FURTHER INFORMATION CONTACT: For general information associated with the research aspects of the HFBR, please contact: Iran Thomas, Deputy Associate Director, Office of Basic Energy Sciences, Office of Energy Research, U.S. Department of Energy, ER–10, Germantown, MD 20874, telephone: (301) 903–3427.

For technical information associated with reactor operation, please contact: Robert Lange, Associate Director, Office of Facilities, Office of Nuclear Energy,

U.S. Department of Energy, NE–40, 19907 Germantown Rd., Germantown, MD 20874, telephone: (301) 903–2915.

For general information on the DOE NEPA process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0119, telephone: (202) 586–4600 or leave a message on (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

The Brookhaven National Laboratory was established in 1947 as a multi-disciplinary scientific research center. It is located close to the geographic center of Suffolk County, Long Island, about 56 miles (91 kilometers) east of New York City. The Laboratory site consists of 8.2 square miles (21.3 square kilometers, 2,130 hectares) with most principal facilities located near the center. The Laboratory carries out basic and applied research in the following areas: High-energy and nuclear physics; solid state physics; materials sciences and chemical sciences; nuclear medicine; biomedical and environmental sciences; and selected energy technologies.

The HFBR, which is centrally located within the BNL site (about 1 mile from the eastern site boundary and 1.5 miles from the southern boundary), was commissioned in 1965 as a scientific facility dedicated to neutron scattering research and other research programs in solid state physics, nuclear physics, materials technology, structural biology, medicine and chemistry. Neutron scattering techniques are used to study the structure and properties of materials. The HFBR has provided about two-thirds of the Department's experimental capability at reactors for neutron scattering.

The HFBR uses heavy water (deuterium) for cooling and a highly enriched uranium core to produce beams of thermal neutrons that are guided to experimental areas by nine horizontal aluminum alloy tubes called ''beam tubes.'' In addition, there are seven vertical tubes for irradiating research samples in the reactor. The entire reactor and its control room are enclosed within a confinement dome. This reactor does not produce electric power. The HFBR staff presently consists of about 110 scientists, engineers, technicians, and administrative personnel. The HFBR scientific user community numbers about 300 researchers, including several from Japan and Europe.

In some research areas the HFBR is the best facility in the United States. For example, the facility's Small Angle Neutron Scattering (SANS) capability is regarded as a particularly useful technique by structural biologists, who represent a rapidly growing user community for neutron scattering. The HFBR SANS offers unique capabilities for the study of biological samples and is the best resource in the United States for this type of work. In addition, the HFBR's Single Crystal Neutron Diffraction equipment complements x-ray techniques in determining the structure of complex organic molecules because of its ability to locate hydrogen atoms. The HFBR facility has also been used for radioisotope production, neutron activation analysis, and material irradiation.

The reactor was originally designed for operation at a power level of 40 megawatts (MW). An equipment upgrade in 1982 allowed operation at 60 MW, which greatly enhanced the reactor's scientific capability. Beginning in 1991, the operating power of the reactor was limited to 30 MW until additional analysis could be performed to address safety concerns associated with a hypothetical loss of reactor coolant accident while operating at 60 MW. Subsequent analyses, currently under review as part of an on-going Safety Analysis Report revision program, indicate that the HFBR could be safely operated at 60 MW. Scientific users have recommended operating the reactor at 60 MW, and that the Department upgrade and modernize the scientific instrumentation and other features such as the beam tubes.

Current Status of HFBR

On December 21, 1996, the HFBR was shut down for refueling and maintenance, a routine activity which normally occurs almost every month. Before the reactor returned to scheduled scientific operations, however, monitoring indicated that a plume of tritiated water was contaminating the groundwater in excess of drinking water standards south and down gradient of the reactor. DOE, in cooperation with the U.S. Environmental Protection Agency (EPA), New York State Department of Conservation (NYSDEC), and Suffolk County Department of Health Services (SCDHS), immediately initiated activities to identify and eliminate the source of the tritium plume. These activities, now collectively called the Tritium Remediation Project, continue as part of the Department's commitment to remediate the contaminated groundwater.

Data collection and analysis identified the HFBR spent fuel pool as the likely source of the tritium plume. In May 1997, a short-term removal action, in the form of a groundwater extraction system, was undertaken to ensure that tritium contaminated groundwater in excess of drinking water standards does not leave the BNL site boundary.

The short-term removal action has been incorporated into the site's cleanup program in accordance with the Interagency Agreement among DOE, EPA and NYSDEC entered into pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). A description of the removal action taken, alternatives considered, regulatory interaction, and public participation activities associated with the short-term removal action are documented in the Action Memorandum for Operable Unit III Tritium Removal Action, dated May 9, 1997, which is available in the reading rooms identified in this notice.

The final remedial action will be determined through the CERCLA Operable Unit III Remedial Investigation/Feasibility Study (RI/FS) process and will be based on additional data collected, groundwater modeling, and evaluations of various remediation options, including those activities which comprise the Tritium Remediation Project. The CERCLA Record of Decision that completes this process is scheduled to be published in the fall of 1998. The potential environmental impacts associated with this CERCLA action will be reflected and accounted for in the environmental analysis contained in the EIS.

In addition to the activities associated with the cleanup of the contaminated groundwater plume, all fuel has been removed from the reactor and the pool and shipped off-site in preparation for removing all water from the fuel pool. Decontamination and dewatering of the storage pool is underway in order to eliminate the current source of the tritium to the groundwater beneath the HFBR. Operation of the groundwater plume pumping, treatment, and recharge system continues. The groundwater tritium plume has been characterized and modeled, and continues to be sampled and monitored. Removal of the water from the spent fuel pool is scheduled for completion by the end of 1997.

Purpose and Need for the Agency Action

The Department of Energy needs to make a decision regarding the future of the HFBR at BNL. This EIS will aid DOE in its decisionmaking process. In July

1997, the Department issued its ''Action Plan for Improved Management of Brookhaven National Laboratory,'' which summarized the Department's planned process for deciding the future of the HFBR. The Action Plan states that the Secretary of Energy will decide the future of the HFBR and directs an appropriate environmental review process. That review process consists of this EIS on the HFBR, which will incorporate the results of the tritium remediation project being conducted in conjunction with the ongoing CERCLA process. The Secretary is scheduled to decide upon a preferred alternative for the future of the HFBR in early 1998 for inclusion in this EIS. As stated in the Action Plan, that decision will take into account several factors, including: public input from the local Long Island community; input from the HFBR scientific user community and the DOE Basic Energy Sciences Advisory Committee; and the value of the scientific information produced using the HFBR. The alternatives listed in this Notice for evaluation in the EIS reflect the full range of options available for the future of the HFBR. The results of the EIS scoping process will be considered in selecting the preferred alternative. The preferred alternative will be noted in the Draft EIS, but the EIS will analyze all reasonable alternatives, as required by NEPA.

The Conference Report accompanying Pub. L. 105–62, the Energy and Water Development Appropriations Act of 1998, directed that an EIS be prepared on the HFBR. The Report noted the conferees' expectation that the EIS include a ''comprehensive survey of any environmental hazards that the tritium leak or other contamination associated with the HFBR pose to the drinking water and health of the people in the surrounding communities, and that it will provide a detailed plan for remediation.'' The EIS will provide this analysis, while concurrently proceeding with, the Tritium Remediation Project and applicable Interagency Agreement and CERCLA commitments. Long-term remediation plans are being prepared under the ongoing CERCLA program and will be discussed with the local community. Consistent with Congress' direction, the EIS will summarize this remediation plan and program, and assess the HFBR's potential for further contributing to groundwater contamination.

The Report also directed the Department to drain the spent fuel pool, meet the requirements outlined in the Suffolk County Sanitary Code Article 12, complete seismic upgrades, and repair and seal the floor drains. These modifications and repairs, in addition to those indicated in (3) below, are needed to place the HFBR into a radiologically and industrially safe condition, regardless of which alternative is selected for the future of the HFBR, and do not result in any adverse environmental impacts. Accordingly, since these activities do not have an adverse impact and do not limit the choice of reasonable alternatives, DOE intends to proceed with these activities prior to completion of the EIS. These modifications include repairs needed to bring the HFBR into compliance with applicable Federal, State, and local laws and requirements, including the requirements of Suffolk County Sanitary Code Article 12, which is relevant to reducing risks and preventing future leaks from the facility to the groundwater. These four specific modifications and repairs include:

(1) Several floor joints and conduit penetrations in the floor of the HFBR would be repaired and sealed to ensure that there is no leakage path to groundwater from any accidental spill within the reactor confinement building. The potential for spills exists during both reactor operations and deactivation activities, when there would be a need to move large quantities of radioactive liquids into tanks and drums for storage, treatment or disposal.

(2) Several piping systems and sumps in the HFBR would be modified and repaired by replacing single-walled piping and sumps with double-walled components, or installing new components above the floor, thus meeting the requirements of Suffolk County Sanitary Code 12 for protection of groundwater. These systems would be used during operations and during deactivation activities to flush systems and reduce contamination.

(3) The drains from the 350-foot tall stack (handles exhaust gases from HFBR and other nearby facilities) would be repaired, along with the collection piping and sump, to convert them from a single-walled to a double-walled system. This would enhance the confinement integrity of the HFBR by providing a barrier against potential accidental release of radioactive materials to groundwater.

(4) The HFBR control room and operations level crane would be reinforced to protect radiological monitoring and control systems, as well as operations personnel, in the event of a design basis earthquake. The control room and crane are needed to ensure safe reactor operations or deactivation activities.

The Department is also evaluating a proposal to construct and install a stainless steel liner in the spent fuel pool during the preparation of the EIS. The installation of this impervious liner and appurtenant leak detection system would result in the pool containing a double-walled barrier to ensure that the storage pool would not be a source of groundwater contamination in the future. DOE considers the storage pool to be an essential component of the HFBR regardless of whether or not the reactor operates. It would be needed to store spent fuel during operations. During deactivation activities, it would be used to handle various highly radioactive reactor components which must be dismantled or cut apart in preparation for shipment offsite. Much of this work would be conducted within the storage pool. A usable pool may also be necessary for maintenance of the HFBR during an extended period of time in its present shutdown condition. As part of the CERCLA cleanup of Operable Unit III, the Department committed to construct and install the liner prior to any use of the pool. As a result, the spent fuel liner is included at this time as part of all alternatives, except No Action. DOE specifically solicits comments on whether the liner should be installed, along with the other modifications and repairs, prior to completion of this EIS. After hearing public comments on this issue, the Department may decide to include installation of the liner as part of all alternatives, including No Action.

Alternatives To Be Evaluated

While Pub. L. 105–62 prohibited the use of funds made available under that Act or any other act to restart the HFBR, this EIS will analyze the following reasonable alternatives for the future of the HFBR, as required by NEPA:

No Action Alternative

Under this alternative, the reactor would be maintained in the current shutdown and defueled condition for the indefinite future; the four modifications and repairs listed above would be performed. The Department regards this as a non-preferred alternative, because it does not resolve the future of the HFBR.

Resume Operation Alternative

The earliest date that the reactor could be restarted is October 1999, following completion of the NEPA process and all of the modifications and repairs described above (including installation of the spent fuel liner). This alternative includes two subalternatives:

a. Startup and operation of the reactor at a power level of 30 MW (the power level prior to the shutdown).

b. Startup and operation of the reactor at a power level of 30 MW with a planned increase in operation at a level of up to 60 MW.

Resume Operation and Enhance Facility Alternative

Under this alternative, the Department would restart the reactor for operation at a power level of up to 60 MW, and eventually replace the reactor vessel to extend the life of the reactor, and upgrade the reactor (e.g., add scientific instruments) to enhance the reactor's scientific research capabilities and increase the number of potential reactor users. Because of budget limitations, the Department regards this as a non-preferred alternative.

Permanent Shutdown Alternative

Under this alternative, the HFBR would be permanently shut down for eventual decontamination and decommissioning. Additional NEPA review would be necessary in the future for a proposal to decontaminate and decommission the reactor. This alternative would involve terminating the scientific research mission of the HFBR at BNL and placing the reactor in an industrially and radiologically safe condition for an extended period of time until a proposal were made to decontaminate and decommission the reactor. While an analysis of the full and complete decontamination and decommissioning is beyond the scope of this EIS, the potential environmental impacts associated with decontamination and decommissioning will be analyzed to the extent possible.

At this time, the Department of Energy has no preferred alternative. As noted above, the Secretary of Energy will designate a preferred alternative based on the results of the scoping process and other information in early 1998.

Preliminary Environmental Analysis

The following issues have been tentatively identified for analysis in the EIS. This list is neither intended to be all-inclusive nor is it a predetermination of potential environmental impacts. The list is presented to facilitate comment on the scope of the EIS. Additions to or deletions from this list may occur as a result of the public scoping process.

Health and Safety: potential public and occupational consequences from routine operation and credible accident scenarios.

Waste Generation/Pollution Prevention: types of wastes expected to be generated and stored, pollution prevention opportunities, and the potential consequences to public safety and the environment.

Hazardous Materials: handling, storage, and use; waste management both present and future.

Background Radiation: cosmic, rock, soil, water, and air, and the potential addition of radiation.

Water Resources: surface and groundwater hydrology, use, and quality, and the potential for degradation.

Air Quality: meteorological conditions, ambient background, pollutant sources, and potential for degradation.

Earth Resources: physiography, topography, geology, and soil characteristics.

Land Use: plans, policies and controls.

Noise: ambient, sources, and sensitive receptors.

Ecological Resources: wetlands, aquatic, terrestrial, economically/recreationally important species, threatened and endangered species.

Socioeconomic: demography, economic base, labor pool, housing, transportation, utilities, public services/facilities, education, recreation, and cultural resources.

Natural Disasters: floods, hurricanes, tornadoes, and seismic events. Unavoidable Adverse Impacts.

Natural and Depletable Resources: requirements and conservation potential.

Environmental Justice: any potential disproportionately high and adverse impacts to minority and low income populations.

Alternatives other than those presented in this document may warrant examination, and new issues may be identified for evaluation.

Scoping Meetings

The purpose of this NOI is to encourage public involvement in the EIS process and to solicit public comments on the proposed scope and content of the EIS. DOE will hold public scoping meetings in the BNL area to solicit both oral and written comments from interested parties.

DOE will designate a facilitator for the scoping meetings. The facilitator may ask for clarification of statements to ensure that representatives of the DOE fully understand the comments and suggestions. The scoping meetings will not be conducted as evidentiary hearings nor will there be questioning of the commentors. At the opening of each meeting the facilitator will establish the order of speakers and will announce any additional procedures necessary for conducting the meetings. To ensure that all persons wishing to make a presentation are given the opportunity, a five-minute limit may be enforced for each speaker, with the exception of public officials and representatives of groups, who will be allotted ten minutes each. DOE encourages those providing oral comments to also submit them in writing. Comment cards will also be available for those who prefer to submit their comments in written form.

DOE will make transcripts of the scoping meetings and project-related materials available for public review in the following reading rooms:

1. U.S. Department of Energy, Freedom of Information Public Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: (202) 586–3142.

2. Brookhaven National Laboratory Research Library, Bldg. 477A Brookhaven Ave., Upton, NY 11973, Telephone: (516) 344–3483.

3. Longwood Public Library, 800 Middle Country Rd., Middle Island, NY 11953, Telephone: (516) 924–6400.

4. Mastics-Moriches-Shirley Community Library, 301 William Floyd Parkway, Shirley, NY 11967, Telephone: (516) 399–1511.

Other environmental materials available at these locations or through the Suffolk County Interlibrary Loan System include BNL's 1977 Site-wide EIS, Annual Site Environmental Reports, and the CERCLA Administrative record for cleanup activities.

NEPA Process

The EIS for the HFBR will be prepared according to the National Environmental Policy Act of 1969, the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and DOE's NEPA Regulations (10 CFR Part 1021).

The draft EIS is scheduled to be published in the summer of 1998. A 45-day comment period on the draft EIS is planned, and public hearings to receive comments will be held approximately three weeks after distribution of the draft EIS. Availability of the draft EIS, the dates of the public comment period, and information about the public meetings will be announced in the **Federal Register** and in the local news media when the draft EIS is distributed.

The final EIS, which will incorporate public comments received on the draft EIS, is expected in November 1998. No sooner than 30 days after a notice of availability of the final EIS is published

in the **Federal Register**, DOE will issue its Record of Decision and publish it in the **Federal Register**. The Record of Decision is expected to be issued in December 1998.

Signed in Washington, D.C., this 19th day of November, 1997.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health

[FR Doc. 97–30821 Filed 11–21–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Idaho Operations Office; Notice of Intent To Solicit Applications for Financial Assistance Grants

AGENCY: Department of Energy.

ACTION: Notice of intent to solicit applications for financial assistance grants.

SUMMARY: The U.S. Department of Energy is announcing its intent to solicit applications for awards of financial assistance (i.e., grants) for state-of-the-art research that contributes to any of the following eight areas: reactor physics, reactor engineering, nuclear materials, radiological engineering, radioactive waste management, applied radiation science, nuclear safety and risk analysis, and innovative technologies for next generation reactors, space power and propulsion, or radiation sources.

DATES: The anticipated issuance date of Solicitation Number DE-PS07–98ID13604 is December 1, 1997. A copy of the solicitation in its full text may be obtained on the Internet at http://www.inel.gov/doeid/proc-div.html under Current Solicitations. The deadline for receipt of applications will be approximately 52 days after issuance of the solicitation.

ADDRESSES: Applications will be submitted to: Dallas L. Hoffer, Procurement Services Division, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, Mail Stop 1221, Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Dallas Hoffer, Contract Specialist at (208) 526–0014 or Brad Bauer, Contracting Officer at (208) 526–0090; U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, Mail Stop 1221, Idaho Falls, Idaho 83401–1563.

SUPPLEMENTARY INFORMATION: The solicitation will be issued pursuant to 10 CFR 600.6(b) Eligibility for awards under this Nuclear Engineering Education Research (NEER) Program will be restricted to colleges and universities with nuclear engineering degree programs. The purpose of the NEER Program is to (1) support basic research in nuclear engineering; (2) assist in developing nuclear engineering students; and (3) contribute to strengthening the academic community's nuclear engineering infrastructure.

The statutory authority for the program is Pub. L. 95–91.

Issued in Idaho Falls November 17, 1997.

Michael L. Adams,

Acting Director, Procurement Services Division.

[FR Doc. 97–30796 Filed 11–21–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Commericialization Assistance for Awardees in the Small Business Innovation Research (SBIR) Program, Financial Assistance Solicitation No. DE–FC02–98ER12217

AGENCY: DOE, Chicago Operations Office.

ACTION: Notice inviting financial assistance applications.

SUMMARY: The Department of Energy (DOE) Office of Energy Research (OER) announces its interest in receiving applications to enhance the commercialization of SBIR recipients' technology. The Department may select more than one offeror for award under this solicitation. The selected offeror(s) may provide SBIR Awardees with individualized assistance in preparing business plans and developing presentation materials for raising capital or finding strategic partners to support the commercialization of their SBIR technology.

The Solicitation is available on the DOE Chicago Internet Home Page at http: //www.ch.doe.gov/business/ACQ.htm with proposals due December 15, 1997. Any modifications to the solicitation will continue to be posted on the Internet. Please note that users are not alerted when the solicitation is issued or when modifications are posted. Prospective offeror(s) are therefore advised to check the above Internet address on a daily basis. The Solicitation is available on the CH Acquisition Page (see address below).

DATES AND ADDRESSES: The complete solicitation document is available on the Internet by accessing the DOE Chicago Internet Home Page at http://www.ch.doe.gov/business/ACQ.htm under the heading ''Current Acquisition Activities'' Solicitation No. DE–FC02–98ER12217. Applications are due no later than 5:00 p.m. local time, on December 15, 1997. Awards are anticipated by January, 1998.

SUPPLEMENTARY INFORMATION: Completed applications referencing Solicitation No. DE-FC02–98ER12217 must be submitted to the U. S. Department of Energy, Chicago Operations Office, Attn: Peter R. Waldman, Bldg. 201, Rm. 3F–11, 9800 South Cass Avenue, Argonne, IL 60439–4899. As a result of this solicitation, DOE may award two(2) cooperative agreements. Available funding, irrespective of the number of offerors selected, is $250,000.00 in FY 1998, and follow-on funding of approximately $250,000.00 for FY99 and FY2000.

The solicitation invites applications which are limited to small business organizations. Eligibility to submit a proposal is restricted to small businesses. The SBIR program is a small business set-aside program. A small business award recipient will provide more credibility to SBIR participants. Past experience with previous commercialization assistance projects confirms that small businesses develop stronger and more productive business relationships with another company that has dealt with business problems similar to their own.

FOR FURTHER INFORMATION CONTACT: Peter R. Waldman, Acquisition and Assistance Group, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439; Telephone No. (630) 252–2189, Fax No. (630) 252–5045, or by e-mail at peter.waldman@ch.doe.gov.

Issued in Chicago, Illinois on November 17, 1997.

James R. Bieschke,

Director, Operations Division.

[FR Doc. 97–30786 Filed 11–21–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–171–011]

ANR Pipeline Company; Notice Of Proposed Changes In FERC Gas Tariff

November 18, 1997.

Take notice that on November 13, 1997, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, tariff sheets to be effective November 1, 1997.

ANR states that the purpose of this filing is to comply with the

Appendix D

Example *Federal Register* Notices

[Federal Register: December 24, 1998 (Volume 63, Number 247)]
[Notices]
[Page 71285-71286]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr24de98-65]

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5498-2]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153.

Weekly receipt of Environmental Impact Statements **Filed** December 14, 1998 Through December 18, 1998 Pursuant to 40 CFR 1506.9.

EIS No. 980510, FINAL SUPPLEMENT, NOA, Atlantic Sea Scallop, Placopecten Magellanicus, (Gmelin), Fishery Management Plan (FMP), Updated and Additional Information, Amendment No. 7, Due: January 25, 1999, Contact: Kathi Rodriques (978) 281-9300.
EIS No. 980511, FINAL SUPPLEMENT, NOA, AK, Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Groundfish of the Gulf of Alaska, Implementation of Groundfish Total Allowable Catch Specifications and Prohibited Species Catch Limits Under the Authority of the Fishery Management Plans, AK, Contact: Steven Pennoyer (907) 586-7221. Under Sec. 1506.10(d) of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act the US Environmental Protection Agency has Granted a 30-Day Wavier for the above EIS.
EIS No. 980512, FINAL EIS, AFS, CA, Desolation Wilderness Management Guidelines Revisions for the Eldorado National Forest and the Lake Tahoe Basin Management Unit (LTBMU), Limits of Acceptable Change (LAC), Eldorado County, CA, Due: January 25, 1999, Contact: Daina Erickson (530) 622-5061.
EIS No. 980513, FINAL EIS, USN, PA, Naval Air Warfare Center Aircraft Division (NAWCAD) Warminster, Disposal and Reuse, Bucks County, PA, Due: January 25, 1999, Contact: Kurt C. Frederick (610) 595-0728.
EIS No. 980514, DRAFT EIS, DOE, SC, Savannah River Site Spent Nuclear Fuel Management Plan, Implementation, Aiken County, SC, Due: February 08, 1999, Contact: Andrew R. Grainger (803) 725-1523.
EIS No. 980515, DRAFT EIS, DOE, TN, NY, IL, NM, Spallation Neutron Source (SNS) Facility Construction and Operation, Implementation and Site Selection, Oak Ridge National Laboratory, Oak Ridge, TN; Argonne National Laboratory, Argonne, IL; Brookhaven National Laboratory, Upton, NY; and Los Alamos National Laboratory, Los Alamos, NM, Due: February 08, 1999, Contact: David Wilfert (800) 927-9964.
EIS No. 980516, FINAL SUPPLEMENT, UMC, CA, Sewage Effluent Compliance Project, Updated and Additional Information, Implementation, Lower Santa Margarita Basin, Marine Corps Base Camp Pendleton, San Diego County, CA, Due: January 25, 1999, Contact: Vickie Taylor (619) 532-3007.
EIS No. 980517, DRAFT EIS, FHW, HI, Puainako Street Extension and Widening, Traffic Circulation Improvements, Funding, South Hilo, Hawaii County, HI, Due: February 22, 1999, Contact: Abraham Wong (808) 541-2700.
EIS No. 980518, FINAL EIS, IBR, CA, Central Valley Project, Municipal and Industrial Water Supply Contracts under Public Law 101-514 (Section 206), Sacramento County Water Agency and San Juan Water District, City

of Folsom, Sacramento County, CA, Due: January 25, 1999, Contact: Cecil Lesley (916) 989-7221.
EIS No. 980519, FINAL EIS, AFS, AZ, Windmill Range Allotment Management Plan, Cattle Grazing Use, Implementation, Coconino National Forest, Mormon Lake, Peaks and Sedona Ranger Districts, Coconino

[[Page 71286]]

and Yavapai Counties, AZ, Due: January 25, 1999, Contact: Mike Hannemann (520) 774-1147.

Dated: December 21, 1998.
William D. Dickerson,
Director, NEPA Compliance Division, Office of Federal Activities.
[FR Doc. **98-34132 Filed** 12-23-**98**; 8:45 am]
BILLING CODE 6560-50-P

[Federal Register: November 3, 1998 (Volume 63, Number 212)]
[Notices]
[Page 59292]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr03no98-47]

DEPARTMENT OF ENERGY

Notice of Wetlands and Floodplain Involvement for Siting, Construction, and Operation of the Spallation Neutron Source

AGENCY: U.S. Department of Energy.

ACTION: Notice of Wetland and Floodplain Involvement.

SUMMARY: The U.S. Department of Energy (DOE) proposes to site, construct, and operate a Spallation Neutron Source (SNS). The proposed SNS facility would consist of a proton accelerator system; a spallation target; and appropriate experimental areas, laboratories, offices, and support facilities to allow ongoing and expanded programs of neutron research. DOE has identified four alternative sites for this project: Oak Ridge National Laboratory, Oak Ridge, Tennessee (the preferred alternative); Argonne National Laboratory, Argonne, Illinois; Los Alamos National Laboratory, Los Alamos, New Mexico; and Brookhaven National Laboratory, Upton, New York.

The proposed sites at ORNL and ANL include small wetlands. In addition, a portion of the site at ANL lies within a 100-year floodplain. In accordance with DOE regulations for floodplain and wetlands environmental review (10 CFR part 1022), DOE will prepare a wetland/floodplain assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected wetlands and floodplain. This assessment will address potential mitigation measures and practicable siting alternatives and will be included in the EIS. The Statement of Findings will be incorporated in the Final EIS.

DATES: Within the next few months, a Draft Environmental Impact Statement (DEIS) for the Spallation Neutron Source will be issued for public comment for a period of at least 45 days. Comments in response to this Notice may be submitted to the address below at any time through the end of the DEIS public comment period.

ADDRESSES: Please direct comments to: David K. Wilfert, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/FEDC, Oak Ridge, Tennessee 37831, telephone: (800) 927-9964, facsimile: (423) 576-4542, or e-mail NSNSEIS@ornl.gov.

For general NEPA information, please contact Carol Borgstrom, U.S. Department of Energy, Office of NEPA Policy and Assistance, 1000 Independence Avenue, SW, Washington, DC 20585, telephone: (202) 586-4600.

FOR FURTHER INFORMATION CONTACT: For general information associated with the Spallation Neutron Source, please contact: Jeffrey C. Hoy, SNS Program Manager, Office of Basic Energy Sciences, Office of Energy Research, U.S. Department of Energy, ER-13, Germantown, MD 20874-1290, telephone: (301) 903-4924. Further information on this proposed action and wetlands assessment can be obtained from David K. Wilfert at the

above address.

SUPPLEMENTARY INFORMATION: The proposed SNS facility would consist of a proton accelerator system, a spallation source to produce neutron pulses, and appropriate experimental areas, laboratories, offices, and support facilities to allow ongoing and expanded programs of neutron research. DOE proposes to construct and operate the SNS at one of four alternative sites in the United States. The preferred alternative being evaluated in the EIS is to construct the SNS at the Oak Ridge National Laboratory (ORNL), Oak Ridge, Tennessee. Other alternative locations for the SNS included in the EIS are Argonne National Laboratory (ANL), Argonne, Illinois; Los Alamos National Laboratory (LANL), Los Alamos, New Mexico; and Brookhaven National Laboratory (BNL), Upton, New York.

Construction of the SNS at the proposed ORNL site would involve the taking of two small palustrine emergent wetlands on the Chestnut Ridge construction site. These two wetlands have a combined area of 0.05 hectares (0.12 acres). One of these small wetlands is an emergent wetland in an isolated depression. It is adjacent to another small wetland that lies immediately adjacent to Chestnut Ridge Road near where it crosses White Oak Creek. The depression does not appear to have a surface outlet to the swale or to nearby White Oak Creek. Upgrades needed to Chestnut Ridge Road and the laying of a gas pipeline would encroach on these areas and result in the loss of the 0.05 hectares of wetlands. A third wetland with an area of 0.65 hectares (1.6 acres) could receive increased runoff and siltation during construction activities. Appropriate runoff mitigation measures would be employed to minimize any effects to this wetland.

As proposed, construction of the SNS at the ANL alternative site would involve the loss of a 1.4 hectares (3.5 acres) of palustrine emergent wetlands that would lie within the proposed SNS facility footprint at ANL. In accordance with Section 404 of the Federal Clean Water Act, a permit from the U.S. Army Corps of Engineers would be sought for construction in these wetlands and for possible plans to mitigate the losses as necessary, should the SNS be built at the ANL site.

In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022), DOE will prepare a floodplain and wetlands assessment for this proposed DOE action. The assessment and a floodplain statement of findings will be included in the environmental impact statement being prepared for the proposed project in accordance with the National Environmental Policy Act.

Issued in Washington, DC, this 22d day of October, 1998.
Martha A. Krebs,
Director, Office of Energy Research.
[FR Doc. **98-29438 Filed** 11-2-**98**; 8:45 am]
BILLING CODE 6450-01-P

Appendix E

Example Transmittal/Approval Letters

DOE F 1320.5
(08-93)

United States Government — **Department of Energy**

memorandum

DATE: April 2, 1999

REPLY TO ATTN OF: Office of NEPA Policy and Assistance:Jessee:202/586-7600

SUBJECT: Approval of the Final Environmental Impact Statement (EIS) for the Spallation Neutron Source (SNS)(DOE/EIS-0247)

TO: Martha A. Krebs
Director
Office of Science

The Office of Environment, Safety and Health has reviewed the subject Final EIS in accordance with our responsibilities under Department of Energy Order 451.1A regarding compliance with the National Environmental Policy Act, as requested in your March 11, 1999, memorandum. Based on my staff's review and recommendations, and after consulting with the Office of General Counsel, I have determined that the Final EIS is adequate for publication and distribution subject to incorporation of the attached comments. At a meeting with your staff on March 12, 1999, and in subsequent telephone conversations, the Office of NEPA Policy and Assistance and General Counsel staff discussed our major comments and reached agreement on their resolution.

The Office of NEPA Policy and Assistance will continue to assist your Office in filing the Final EIS with the U.S. Environmental Protection Agency and other distribution matters. Please have your staff direct any questions to Jim Daniel at 202/586-9760.

David Michaels, PhD, MPH
Assistant Secretary
Environment, Safety and Health

Attachment

cc: David Wilfert, SC-111, NEPA Document Manager
Clarence Hickey, SC-8.2, NEPA Compliance Officer

Printed on recycled paper

Appendix E
Example Transmittal Memos

Department of Energy
Washington, DC 20585

July 19, 1999

MEMORANDUM FOR THE SECRETARY

THROUGH: Ernest J. Moniz
Under Secretary

FROM: David Michaels, PhD, MPH
Assistant Secretary
Environment, Safety and Health

SUBJECT: ACTION: Approve the Draft Environmental Impact Statement (EIS) for the High Flux Beam Reactor (HFBR) Transition Project, Brookhaven National Laboratory (BNL), NY (DOE/EIS-0219D)

ISSUE: The Office of Science has submitted the Draft EIS for the HFBR Transition Project for approval. (Summary attached.) The Draft EIS evaluates four alternatives: (1) the **No Action Alternative** (maintaining HFBR in a shutdown and defueled condition); (2) **Resume Operation Alternative** with two subalternatives: operate at 30 Megawatts (MW) and at up to 60 MW; (3) **Resume Operation and Enhance Facility Alternative** (operate at 60 MW with upgrades); and (4) **Permanent Shutdown Alternative**. The Draft EIS analyses indicate no significant impacts to public health or the environment under any of the four alternatives.

The Department of Energy (DOE) needs to make a decision regarding the future of the HFBR. The reactor was shut down for refueling in December 1996. Before it could be restarted, DOE discovered tritium contamination in the groundwater downgradient from the HFBR.

DOE's "Action Plan for Improved Management of Brookhaven National Laboratory" (July 1997) states that the Secretary of Energy will decide the future of the HFBR and directs an appropriate environmental review process. That process consists of this EIS, which incorporates the results of the ongoing tritium remediation project.

The Conference Report accompanying the Energy and Water Development Appropriations Act, 1998, while prohibiting the use of funds for restarting HFBR, also called for DOE to prepare an EIS. The funding prohibition for the restart of HFBR was reaffirmed in the Energy and Water Development Appropriations Act, 1999. The draft Fiscal Year 2000 Senate Energy and Water Development Bill, section 604, again prohibits using any funds for the restart of the HFBR.

Appendix E
Example Transmittal Memos

There is considerable controversy regarding the future of HFBR. Several stakeholders, including Standing for Truth About Radiation (STAR) and the Community Alliance for Laboratory Accountability (CALA), object to the restart of HFBR due primarily to concerns about tritium contamination of Long Island's sole source aquifer. However, there is support from the scientific community, including the Basic Energy Science Advisory Committee, for HFBR to be restarted because of the continuing need for neutron research. There is also support for restart from local civic and business organizations. Following completion of remediation, analyses conducted in the EIS indicate that the tritium level in the groundwater at the site boundary would be significantly below the national and the State of New York drinking water standards, and any contribution of tritium to the groundwater from BNL in general and HFBR in particular would be insignificant. An independent review by the Nuclear Regulatory Commission concluded that the tritium plume does not present a radiological hazard to public health and safety. In addition, the Office of Nuclear Energy, Science and Technology, which operates HFBR for the Office of Science, indicates its confidence that the reactor can be restarted and operated in a safe and cost-effective manner.

The Council on Environmental Quality Regulations (40 CFR 1502.14) require that the Department must specify a preferred alternative in a draft EIS if it has one at the time of publication. The HFBR Draft EIS does not currently identify a preferred alternative, although the No Action, and the Resume Operation and Enhance Facility Alternatives, are identified as non-preferred.

The Office of Environment, Safety and Health, in consultation with the Office of General Counsel, believes the Draft EIS is adequate, subject to incorporation of comments that have been provided to SC staff. The Office of General Counsel believes that there is a high likelihood that the Final EIS will be challenged in court should the DOE decide to restart HFBR.

A communications plan is attached.

NEXT STEPS: After approval, the Draft EIS will be printed, distributed, and filed with the U.S. Environmental Protection Agency. A 90-day public comment period is planned. Public hearing(s) are also planned to be held in the vicinity of BNL.

RECOMMENDATION: That the Secretary approve the Draft EIS.

Approve: _____

Disapprove: _____

Date: _____

Concurrences: General Counsel/Dennison 6/22/99; Nuclear Energy/Magwood 6/22/99
Office of Science/Krebs 6/21/99; Congressional & Intergovernmental Affairs/Angell 7/16/99

DOE F 1325.8
(8-89) (EFG 07-90)
United States Government — Department of Energy

memorandum

DATE: September 17, 1998

REPLY TO
ATTN OF: Energy Research

SUBJECT: Draft Environmental Impact Statement for the Spallation Neutron Source Project

TO: Peter N. Brush, Acting Assistant Secretary
Office of Environment, Safety and Health

I am forwarding for Office of Environment, Safety and Health (EH) approval, the Draft Environmental Impact Statement (DEIS) for the Spallation Neutron Source (SNS) project. I also request that your office coordinate with and obtain concurrence on this document from the Office of the General Counsel (GC), and upon approval, arrange to have the Notice of Availability (NOA) published in the Federal Register. A draft of the NOA will be provided to your office after Energy Research has received comments from EH and GC. In this regard, staff from EH-42 and GC-51 have been involved in the NEPA process for this proposed action and have received courtesy copies of this DEIS.

Energy Research would appreciate your help in approving this DEIS to meet the SNS project's schedule for an issuance of the document by October 16, 1998, for a 45-day public comment period. To that end, the SNS EIS Document Manager and members of my staff would like to meet with EH-422 at DOE Headquarters on September 30, 1998, to discuss and resolve any comments on this DEIS. While realizing that EH-422 has also agreed to informally review the preliminary DEIS for the High Flux Beam Reactor Transition Project, ER requests that the DEIS for SNS receive first priority within EH.

The Energy Research points of contact on this matter are the Energy Research NEPA Compliance Officer, Clarence Hickey (3-2314), and the SNS Program Manager, Jeff Hoy (3-4924).

Martha Krebs

Martha A. Krebs
Director
Office of Energy Research

Attachment

cc:
D. Wilson, Energy Research
J. Carney, Energy Research
W. Dennison, General Counsel
A. Watkins, Oak Ridge Operations
D. Wilfert, Oak Ridge Operations
M. Butler, Brookhaven Area Office
E. Colton, Los Alamos Area Office
A. Gabel, Argonne Area Office

memorandum

DATE: SEP 15 1998

REPLY TO ATTN OF: Energy Research

SUBJECT: ACTION: Transmit Draft Environmental Impact Statement (EIS) for the Spallation Neutron Source (SNS) Project

TO Martha A. Krebs, Director
Office of Energy Research

ISSUE: Submission of the predecisional internal draft of the SNS EIS to EH requesting review and approval for public release by October 16, 1998.

SENSITIVITIES: Short turnaround is being requested for EH review and approval in order to issue a Record of Decision for siting the SNS in April 1999, which is already over a month behind schedule.

In addition, you should be aware that there are a few sensitive issues associated with the four alternative SNS sites. These are briefly summarized below by site:

Oak Ridge Alternative Site (Preferred Option)

First and foremost, there have been no significant environmental or public health impacts identified that would lead to shifting the preferred option from Oak Ridge to one of the three other alternative sites. The Chestnut Ridge location at the Oak Ridge Reservation (ORR) was selected through a rigorous screening process that aimed to avoid environmentally sensitive areas and minimize potential impacts. Chestnut Ridge, however, does have some relatively minor environmental issues that are addressed in the EIS:

- Greenfield versus Brownfield Site

  Some members of the public around Oak Ridge (including one who has written anonymous letters, to the Vice President among others) have voiced objections about siting SNS on Chestnut Ridge because of its pristine condition and proximity to the Walker Branch Watershed Research Area (see next bullet). The initial siting study of ORR candidate locations found that there were no brownfield sites large enough to accommodate the 110 acre footprint of the SNS. The Clinch River Breeder Reactor site, mentioned in the anonymous letters, was considered and rejected because DOE does not own it. This issue is addressed in the EIS (Appendix B), and ORO and ORNL are prepared to respond to any public comments on it.

- Interference with the Walker Branch Watershed Research Area

  The Chestnut Ridge site is within the better zone designed to protect the Walker Branch Watershed - a long-term environmental research area which is located about 1.5 km away. Atmospheric research is being conducted there by ORNL and NOAA. Although construction and operation of the SNS will probably interfere to some degree with this research, ORO and ORNL have been in working with NOAA to find ways to mitigate these impacts.

- Radiological Effects

  While the EIS has not identified any significant environmental or public health effects from operating SNS at Oak Ridge, SNS operations would double the calculated dose to the maximally exposed individual at ORR from 0.45 mrem to 0.82 mrem for SNS operations at 1 MW, and quadruple the dose to 2.0 mrem for 4 MW operation. The analysis of potential accidents has identified 25 scenarios that would be expected to release radioactivity to the atmosphere. The quantities of radioactive materials that could be released in the majority of those scenarios are so small that no worker or member of the public would be expected to receive a dose of more than 0.001 mrem. One postulated beyond design basis accident is calculated to deliver a maximum dose of 1,600 mrem to a member of the public and 1,800 mrem to a worker.

- Wetlands

  Construction of SNS will require using 0.14 acre of wetlands, plus the potential to temporarily affect other adjacent wetlands. A wetlands assessment process is being combined with the NEPA process. The result of the wetlands assessment and a statement of findings will be included in the Record of Decision.

Los Alamos Alternative Site

- Groundwater and Drinking Water

  Water for all uses by the SNS at the LANL site would come from groundwater. The EIS estimates that the increased load on the groundwater resources due to placement of the SNS at LANL could impact water levels and create competition with private and local water users for water resources. Additionally, the incremental demand of SNS operations likely would exceed the maximum delivery capacity of the water distribution system.

- Electric Power

  The electric power system serving LANL is currently operating near capacity, and future projections on electric power use from LANL already indicate that demand will exceed capacity. The incremental addition of SNS to the existing electric system would be problematic.

- Radiological Effects

  No significant radiological impacts have been identified for siting and operating of the SNS at LANL. The total dose from LANL to the maximally exposed individual has been estimated in the current LANL Draft Site-Wide EIS to range from 1.88 - 5.44 mrem/yr. via the air pathway, while the offsite population dose is estimated to range from 11 - 33 person-rem/yr. This range is dependent on the alternatives analyzed in the LANL EIS. Operating SNS at LANL would increase these doses to 5.66 mrem/yr. and 42.4 person-rem/yr.

Argonne Alternative Site

- Wetlands and Floodplains

  Construction of the SNS at ANL would result in the destruction of 3.5 acres of wetlands. Mitigation would probably require ANL to create new wetlands to replace those lost. This would be similar to the measures taken to compensate for wetlands destroyed during construction of the APS. The Army Corps of Engineers monitored the success of that wetlands replacement effort over a five year period, and they judged it to be unsuccessful (for which ANL received a Notice of Violation). Hence, any future wetlands replacement efforts at ANL would probably receive close scrutiny by the Corps of Engineers. In addition, the location of SNS at ANL would encroach on portions of the 100-yr floodplain and require alterations of drainage patterns, which would in turn have to be analyzed for conformance to floodplain regulations.

- Construction and Environmental Restoration

  Earthmoving for construction of the SNS would potentially destroy several solid waste management units. Without remediation prior to SNS construction, contamination could be spread to uncontaminated areas. Realistically, construction at ANL would have to be significantly delayed until these environmental restoration concerns could be addressed.

- Radiological Dose Increases

  While no significant radiological impacts have been identified for siting the SNS at ANL, its operation would increase the doses received by the public by an order of magnitude or more. The total dose from ANL to the maximally exposed individual currently is estimated to be 0.053 mrem/yr via the air pathway; while the offsite population dose is 2.64 person-rem/yr. Addition of the SNS (operating at 1 MW) would increase these doses to 1.8 mrem and 47 person-rem respectively. A 4 MW SNS facility would increase the doses to 6.6 mrem/yr and 190 person-rem/yr respectively, an incremental increase of about two orders of magnitude. While these are small doses, the increases in the total site generated doses would be relatively large.

Brookhaven Alternative Site

- Groundwater Activation

  At BNL, the SNS would be situated near the northern end of the site near RHIC, and on top of the sole source Long Island Upper Glacial Aquifer. Its operation would result in activated soil and groundwater in the areas surrounding the linac tunnel. The levels of activated groundwater are expected to be very small, with only limited effects for groundwater quality in the immediate vicinity of SNS. Although no offsite effects or consequences are foreseen, some members of the local community are likely to object to siting another radiological facility at BNL.

  Due to the proximity of SNS and RHIC, the potential exists for the commingling within groundwater of radionuclides from the two facilities. While this is not expected to be a significant impact and no offsite effects are predicted, the cumulative impact analysis in the EIS discusses RHIC and HFBR. The DOE Brookhaven Group is concerned that this may draw undesirable attention to those facilities by the local community during the public comment phase of the SNS EIS process.

  Lastly, it is possible that the SNS EIS and the HFBR Transition Project EIS may be distributed for public review within a short time of each other. This will tend to draw further public attention to radiological matters at BNL.

- Radiological Dose Increases

  No significant radiological impacts have been identified for operating SNS at BNL. The total dose from BNL to the maximally exposed individual is estimated to be 0.06 mrem/yr via the air pathway, while the offsite population dose is estimated to be 3.2 person-rem/yr. Operating SNS at 1 MW there would increase these doses to 0.67 mrem and 33 person-rem, respectively. Operations at 4 MW would increase the doses to 2.6 mrem and 130 person-rem. While these doses are still quite small, they will probably be viewed unfavorably by critics in the local community.

Appendix E
Example Transmittal Memos

RECOMMENDATION: That you sign the attached memorandum to Peter Brush, Acting Assistant Secretary, Office of Environment, Safety and Health.

Patricia M. Dehmer
Associate Director of Energy Research
for the Office of Basic Energy Sciences

Attachment

cc:
D. Wilson, Energy Research

memorandum

DATE: November 25, 1998

REPLY TO ATTN OF: Office of NEPA Policy and Assistance (Jessee:202-586-7600)

SUBJECT: Spallation Neutron Source Draft Environmental Impact Statement (DOE/EIS-0247)

TO: Martha A. Krebs
Director
Office of Science

This is in response to your September 17, 1998, memorandum requesting approval of the Draft Environmental Impact Statement for the Proposed Spallation Neutron Source (DOE/EIS-0247).

The Office of Environment, Safety and Health has reviewed and commented on the draft environmental impact statement, in accordance with our responsibilities under Department of Energy Order 451.1A, National Environmental Policy Act (NEPA) Compliance Program. My staff has worked with your staff, the Office of General Counsel and the Oak Ridge Operations Office in a concurrent review process. On September 30, 1998, my staff met with SC and Oak Ridge staff to discuss major issue comments. Oak Ridge provided a revised draft document to us on November 13, 1998, which responds to many of those comments. Further revisions were provided on November 23. The Spallation Neutron Source NEPA Document Manager has committed to accommodate our comments on the November draft of the document. Based on the review of my staff and after consultation with the Office of General Counsel, I have determined that the draft environmental impact statement is adequate for publication and distribution, subject to your acceptance and accommodation of comments we and the Office of General Counsel have provided to your staff through today.

The Office of NEPA Policy and Assistance will continue to assist your Office in filing the draft environmental impact statement with the U.S. Environmental Protection Agency and other distribution matters. Please direct any questions to Jim Daniel, Office of NEPA Policy and Assistance at 202-586-9760.

Peter N. Brush
Acting Assistant Secretary
Environment, Safety and Health

cc: Clarence Hickey, NEPA Compliance Officer, Office of Science
Jeff Hoy, SNS Program Manager, Office of Science
Dave Wilfert, NEPA Document Manager, Oak Ridge Operations Office

DOE F1325.8
(08-89) (EFG 07-90)

United States Government **Department of Energy**

memorandum

DATE: DEC 18 1998

REPLY TO ATTN OF: SC-10

SUBJECT: ACTION: Transmit Draft Environmental Impact Statement (EIS) for the High Flux Beam Reactor (HFBR) Transition Project

TO: Martha A. Krebs, Director
Office of Science

ISSUE: Submission of the predecisional internal draft of the HFBR EIS to EH requesting review and approval for public release by January 22, 1999.

SENSITIVITIES: The Secretary made a public commitment to decide the future of the HFBR in June 1999. Completion of the HFBR EIS process is required to support this decision.

STATUS: The Draft Environmental Impact Statement (DEIS) for the High Flux Beam Reactor (HFBR) Transition Project is being prepared for the Office of Science (SC) by the DOE Brookhaven Group (BHG). BHG has hired a contractor to assist in the hands-on writing of the DEIS. The contractor is one of the DOE pre-approved contractors with experience in the preparation of NEPA documents. A pre-approval version of the DEIS was provided to the Office of Basic Energy Sciences (BES) by BHG on December 10 for final review, prior to SC submitting it to EH with a request to issuance the DEIS for public review and comment. The DEIS is being sponsored by SC, with involvement of the Office of Nuclear Energy (NE) which has concurred in the SC submittal to EH. Previous staff-level working versions of the DEIS have been reviewed by SC and NE, with cooperation and input from both the Office of Environment, Safety and Health (EH) and the Office of General Counsel (GC).

ISSUES BEING REVIEWED: The current version of the DEIS appears to be responsive to the technical comments and concerns that have been raised by all of the involved parties up to this point. The DEIS, however, is not well crafted in terms of the presentation of the assessments and results in a manner that will be easily read and understood by the local Long Island stakeholder community. The assessments of the issues of prime interest to the community are scattered throughout the DEIS and need to be centralized and explained in language that is useful and meaningful to the lay readers. Of particular importance in this regard are the assessments of the many releases and emissions of tritium, as well as the presentation of the accident analysis for the beyond design basis (BDB) scenario. This BDB accident is very close in probability to a design basis accident, and has substantial offsite health consequences. This needs to be discussed more carefully, thoroughly, and in more understandable lay language. We are working closely with EH, NE, BHG and its contractor to expeditiously resolve these issues.

Appendix E
Example Transmittal Memos

SCHEDULE: The schedule for preparation and completion of the EIS process has been driven by the BNL Action Plan's call for public involvement to inform the Secretarial decision on the future of the HFBR. Last fall Secretary Richardson informed the Long Island community that he would make the decision on the future of the HFBR in June 1999. That would mean that the EIS process would have to be complete in May 1999 so that a Record of Decision (ROD) could be issued in June. The Secretary made that pronouncement based on the EIS schedule as it existed then. Since that time, the EIS review process identified a need to update the probabilistic risk assessment (PRA) to reflect the current HFBR configuration to support the accident analysis in the DEIS. That set the schedule back approximately five weeks. Based on that and on the recent experience with preparation, review, and approval of the Draft EIS for the Spallation Neutron Source, BES has estimated that a realistic schedule for completion of the HFBR EIS would be for issuance of a Final EIS in July 1999, followed by the ROD in August 1999. Our best estimate of the schedule is attached.

This schedule change does not represent a delay in the EIS or a breaching of the Secretary's pronouncement of June 1999 as the completion date. It represents an aggressive schedule to prepare a competent environmental analysis for a controversial project, the decision for which will be public, politically sensitive, and the subject of potential litigation following the ROD. The extension of the schedule to accommodate a thorough analysis will be protective of the Department, the Long Island public, and the environment.

ACTIONS NEEDED BY SC MANAGEMENT: To date, the involved parties (SC, NE, EH, GC, BHG) all have worked collaboratively and corporately toward the preparation of the HFBR DEIS. The fact that SC-1 has been communicating with the Deputy Secretary on this matter has provided valuable impetus for the collaborative approach to date. Nothing more at this level seems warranted at this time.

Formal submission of the DEIS to EH-1 with a request for review and approval of the DEIS by the end of January 1999 would support a public comment period that would extend from March 1 through April 12, 1999. According to the BNL Action Plan, SC-1 is expected to make a recommendation to the Secretary on which of the four alternatives (see below) the Department should propose for the future of the HFBR. The DEIS by design does not propose any preferred alternative, it merely assesses the environmental consequences all four alternatives equally. By regulation, the Final EIS must declare the Department's preferred option. This means that between the close of the public comment period (i.e., April 12, 1999) and the HQ approval of the Final EIS (mid-June 1999), SC must secure a decision from the Secretary on which alternative will be declared in the final EIS.

BACKGROUND: On December 21, 1996, the HFBR was shut down for refueling and maintenance, a routine activity which normally occurred almost every month. Before the reactor could return to scheduled scientific operations, however, monitoring indicated that a plume of tritiated water was contaminating the groundwater in excess of drinking water standards south and down gradient of the reactor. DOE, in cooperation with the U.S. Environmental Protection Agency (EPA), New York State Department of Conservation (NYSDEC), and Suffolk County Department of Health Services (SCDHS), immediately initiated activities to identify and eliminate the source of the tritium plume. These activities were completed in January,1998. The source of the groundwater contamination has been eliminated. Additional CERCLA activities continue as part of the Department's commitment to remediate the contaminated groundwater.

The Department of Energy needs to make a decision regarding the future of the HFBR at BNL. This EIS will aid DOE in its decisionmaking process. In July 1997, the Department issued its "Action Plan for Improved Management of Brookhaven National Laboratory," which summarized the Department's planned process for deciding the future of the HFBR. The Action Plan states that the Secretary of Energy will decide the future of the HFBR and directs an appropriate environmental review process. That review process consists of this EIS on the HFBR, which will incorporate the results of the tritium remediation project in conjunction with the ongoing CERCLA process. The Draft EIS does not contain a preferred alternative for the future of the HFBR, but will analyses equally the four alternative courses of action listed below.

The Secretary must decide upon a preferred alternative for the future of the HFBR in for inclusion in the Final EIS. As stated in the Action Plan, that decision will take into account several factors, including: public input from the local Long Island community; input from the HFBR scientific user community and the DOE Basic Energy Sciences Advisory Committee; and the value of the scientific information produced using the HFBR.

The alternatives evaluated in the Draft EIS reflect the full range of options available for the future of the HFBR:

- **No Action Alternative.** Under this alternative, the reactor would be maintained in the current shutdown and defueled condition for the indefinite future. The Department regards this as a non-preferred alternative, because it does not resolve the future of the HFBR.

- **Resume Operation Alternative.** Under this alternative, the Department would restart the HFBR for scientific research. This alternative includes two subalternatives:

  a. Startup and operation of the reactor at a power level of 30MW (the power level prior to the shutdown).

  b. Startup and operation of the reactor at a power level of 30MW with a planned increase in operation at a level of up to 60MW at which HFBR has previously operated.

  The earliest date that the reactor could be restarted is April 2000, following completion of the NEPA process and all of the modifications and repairs required for full environmental compliance.

- **Resume Operation and Enhance Facility Alternative.** Under this alternative, the Department would restart the reactor for operation at a power level of up to 60MW, and eventually replace the reactor vessel to extend the life of the reactor, and upgrade the reactor (e.g., add scientific instruments) to enhance the reactor's scientific research capabilities and increase the number of potential reactor users. Because of budget limitations, the Department regards this as a non-preferred alternative.

United States Government — Department of Energy

memorandum

DATE: December 22, 1998

REPLY TO ATTN OF: Office of Science

SUBJECT: Draft Environmental Impact Statement for the High Flux Beam Reactor

TO: David Michaels, Assistant Secretary for
Environment, Safety and Health

I am forwarding for Office of Environment, Safety and Health (EH) review and approval, the Draft Environmental Impact Statement (DEIS) for the High Flux Beam Reactor (HFBR) Transition Project. I also request that your office coordinate with and obtain concurrence on this document from the Office of the General Counsel (GC), and upon approval, arrange to have the Notice of Availability (NOA) published in the Federal Register. A draft of the NOA will be provided to your office after the Office of Science has received comments from EH and GC. In this regard, staff from EH-42 and GC-51 have been involved in the NEPA process for this proposed action and have received courtesy copies of this DEIS. We have incorporated comments received from EH and GC including those from the October 5 and 6 working meeting.

The Office of Science would appreciate your help in approving this DEIS by January 22, 1999, to support a 45-day public comment period which would begin March 1, 1999. To that end, the HFBR EIS Document Manager and members of my staff would like to meet with EH-42 in early January 1999, to discuss and resolve any comments EH may have on this DEIS.

The Science points of contact on this matter are the Science NEPA Compliance Officer, Clarence Hickey (3-2314), and the HFBR Program Manager, Stan Staten (3-4950). The Nuclear Energy, Science and Technology point of contact is NEPA Compliance Officer, Rajendra Sharma (3-2899).

Martha A. Krebs
Director
Office of Science

Attachment
Draft EIS for HFBR

cc:
B. Weakley, SC -4
R. Lange, NE-40
C. Borgstrom, EH-42
W. Dennison, GC-52
G. Malosh, Brookhaven Group Office
M. Holland, Brookhaven Group Office

Appendix F

Examples of Internal Scoping Documents

Appendix F

Examples of Internal Scoping Documents

United States Government **Department of Energy**
Oak Ridge Operations

memorandum

DATE: March 5, 1997

REPLY TO ATTN OF: ER-111:Wilfert

SUBJECT: **ADVISORY REVIEW TEAM - NSNS PROJECT EIS**

TO: Distribution

Martha Krebs, Director, Office of Energy Research, has determined that an Environmental Impact Statement (EIS) should be prepared for the National Spallation Neutron Source (NSNS) project. A conceptual design report for the NSNS will be issued at the end of May 1997; therefore, we will soon have sufficient technical information to support preparation of an EIS. This appears to be the correct time to establish an Advisory Review Team (ART) to help assure that plans and processes for timely and effective completion of this document are appropriate.

I request that you, or your designee, be available to participate in periodic presentations and discussions of the plans and activities for preparing an EIS for the NSNS project. For your information, a list of staff members previously involved in the planning of this EIS is included on the attached distribution page. It will be the responsibility of this ART to provide advice on document preparation and to keep their respective management informed of the process and progress. Meetings (in person or via televideo) are expected to occur when establishing and/or changing fundamental document preparation plans, and to provide status information just prior to or just after major milestones in the process.

Attached for your information and use is the February 25, 1997, version of the NSNS Environmental Impact Statement Management Plan. This document presents the current proposal (proposed action, alternatives identification, roles and responsibilities, public participation, etc.) for executing the National Environmental Policy Act (NEPA) process on this project.

Please advise me of who will be participating on the ART. If there are questions regarding this matter, please do not hesitate to call at (423) 576-2673, or e-mail to zwf@ornl.gov.

David K. Wilfert
National Spallation Neutron Source
NEPA Document Manager

Attachments
As Stated

cc w/attachments:
M. Kass, ER-111, ORO

Appendix F
Example of Internal Scoping Documents

Attention should be given to the job titles and DOE Office affiliations and not to the individual names of the participants in this example.

U.S. DEPARTMENT OF ENERGY

MEMORANDUM

DATE October 24, 1997

REPLY TO Michael D. Holland

SUBJECT INTERNAL SCOPING MEETING DOCUMENTS

TO See Distribution

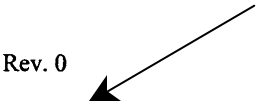
Thank you for your participation in the internal scoping meeting for the proposed Environmental Impact Statement for the High Flux Beam Reactor which was held at Brookhaven National Laboratory on October 8 and 9, 1997. The insight gained from the meeting will undoubtedly assist the Department in moving forward to a successful start of the NEPA process.

Enclosed for your information is a document package that was produced as a result of the meeting. If you have any questions, please call me at (516) 344-3552.

M. Holland

Michael D. Holland
Nuclear Programs Division

Enclosures:
Agenda
Attendance List
Internal Scoping Graphic, Rev.1
Draft - Schedule for HFBR EIS Process, Rev. 0
Draft - Workshop Notes, Rev. 3a
Draft - Notice of Intent (NOI)
Draft - Proposed Modifications and Repairs Required For Protection of the Environment and Improved Worker Safety
Draft - Statement of Work for Contractor Support of Public Scoping for an Environmental Impact Statement
Draft - Statement of Work for Contractor Support in Preparing an Environmental Impact Statement
Workshop Evaluation



These are documents that could be useful during internal scoping.

Appendix F
Example of Internal Scoping Documents

Copies of the above reference documents are available from the SC NCO.

Appendix G

Examples of Fact Sheets, Newsletters, and Press Releases

U.S. Department of Energy
Announces Public Scoping Meeting

DOE Initiates "Programmatic Environmental Impact Statement" on Scrap Metals Recycling - You Are Invited to Attend a Public Scoping Meeting and/or Submit Comments

The Department of Energy (DOE) announced its intent (attached) to prepare a Programmatic Environmental Impact Statement (PEIS) that will evaluate policy alternatives for the disposition of scrap metals that may have residual surface radioactivity (66 Federal Register 36562, July 12, 2001 - searchable on the Internet at the following address:

<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=01-17438-filed.pdf>

In addition to the No Action Alternative (continue DOE's current suspension on unrestricted release for recycling of scrap metals from radiological areas), DOE has initially selected the following alternatives for evaluation: (1) unrestricted release for recycling of scrap metals under requirements in DOE Order 5400.5, (2) unrestricted release for recycling of scrap metals under alternative standards, and (3) no unrestricted release for recycling of scrap metals with potential for residual surface radioactivity.

The public is invited to comment on the scope of this PEIS, including the alternatives and significant environmental issues. Comments may be submitted in writing, through September 10, 2001, or at any of the public scoping meetings listed. An additional opportunity for public comment will be provided when the Draft PEIS is issued. Requests for further information should be submitted to addresses below.

Mail to:
Mr. Kenneth G. Picha, Jr.
Office of Technical Program Integration, EM-22
ATTN: Metals Disposition PEIS
Office of Environmental Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585-0113

Email to:
Metals.Disposition.PEIS@em.doe.gov

Fax to:
Metals Disposition PEIS at
301-903-9770

Schedule of Public Scoping Meetings

Date	Time	Location	Address
July 31	2-5pm and 8-11pm	North Augusta, SC	N. Augusta Community Ctr. 495 Brookside Ave., North Augusta, SC 29841
Aug 2	2-5pm and 8-11pm	Oak Ridge, TN	American Museum of Science and Energy 300 South Tulane Ave., Oak Ridge, TN 37830
Aug 7	2-5pm and 8-11pm	Oakland, CA	Holiday Inn Oakland Airport Hotel 500 Hegenberger Road, Oakland, CA 94621
Aug 9	2-5pm and 8-11pm	Richland, WA	Red Lion Hotel 802 George Washington Way, Richland, WA 99352
Aug 14	2-5pm and 8-11pm	Cincinnati, OH	Omni Netherland Plaza Hotel 35 West Fifth St., Cincinnati, OH 45202
Aug 16	2-5pm and 8-11pm	Washington, D.C.	Hilton Crystal City 2399 Jefferson Davis Highway, Arlington, VA 22202

Department of Energy

Spallation Neutron Source

March, 1999

The U.S. Department of Energy (DOE) is preparing the Final Environmental Impact Statement (FEIS) for construction and operation of the Spallation Neutron Source (SNS). This FEIS will be released to the public during the Spring of 1999.

In the past, you have expressed interest in DOE projects and programs and may be interested in the information contained in this document.

Please indicate your level of interest by checking the appropriate box below, verifying your name and address, folding and taping this form as indicated, and mailing it to the addressee. **(Please return this form by March 12, 1999. An Executive Summary will be sent to you if no response is received.)**

- ☐ Please send me a copy of the full SNS FEIS (1300-1400 pages)
- ☐ Please send me a copy of only the summary section of the SNS FEIS (10-20 pages)
- ☐ Do not send me information about the SNS FEIS

Access to the full text of the SNS FEIS can also be obtained on the internet at http://tis.eh.doe.gov/nepa/docs/eis0247d/eis0247.html

Background Information

The proposed SNS facility would produce subatomic particles called neutrons to be used in research. The research would be in the fields of physical and biological sciences, material technology, and medicine. Neutrons can penetrate deeply into the molecules of test materials to give scientists new insights into the structure and properties of materials.

The United States pioneered the use of neutrons in research, but in the last two decades has fallen behind the European scientific community. Existing U.S. facilities were built decades ago and have had little upgrading and modernization. The SNS would give the U.S. a state-of-the-art research facility that would be used by government, industry, and academia alike.

The SNS Environmental Impact Statement (EIS) is being prepared in accordance with the National Environmental Policy Act . This legislation ensures that Federal decision-makers consider the effects of proposed actions on the human environment and open their decision-making process to public scrutiny.

The EIS evaluates four alternative locations for the SNS. DOE's preferred alternative is to construct the SNS at Oak Ridge National Laboratory in Oak Ridge, Tennessee. The other alternative locations are: Argonne National Laboratory in Argonne, Illinois; Los Alamos National Laboratory in Los Alamos, New Mexico; and Brookhaven National Laboratory in Upton, New York.

This EIS:

- ➢ Explains the purpose and need for the SNS.
- ➢ Describes the proposed construction and operation of the SNS and the reasonable alternative courses of action that DOE could take to meet the need.
- ➢ Describes what would happen if the proposed SNS were not constructed - the "no-action" alternative
- ➢ Describes what aspects of the human environment would be affected if the proposed SNS were constructed.
- ➢ Analyzes the changes or impacts to the environment that would be expected to take place if the SNS is constructed at one of the alternative sites, compared to the expected condition of the environment if no action were taken.
- ➢ Incorporates public comments provided on the Draft EIS.

News Release

FOR IMMEDIATE RELEASE
December 21, 1998

NEWS MEDIA CONTACT:
Jeff Sherwood, 202/586-5806

Spallation Neutron Source Draft Environmental Impact Statement Issued for Public Comment

The Department of Energy has issued a draft Environmental Impact Statement (EIS) for the construction and operation of the proposed Spallation Neutron Source, an accelerator-based neutron scattering facility that would support research in broad areas of physical, chemical, materials, biological and medical sciences. When completed in 2005, the facility would provide the U.S. scientific community with a neutron source having greater intensity, power and instrumentation than existing neutron sources.

The Spallation Neutron Source is being designed by a collaboration of five Energy Department laboratories led by Oak Ridge National Laboratory. The other four partners are Argonne National Laboratory, Brookhaven National Laboratory, Lawrence Berkeley National Laboratory and Los Alamos National Laboratory. The facility is expected to serve 1,000 2,000 scientists annually from universities, private industry and federal laboratories. The national facility would augment the research capabilities of current reactor-based neutron sources, help satisfy current and future demand for research neutrons and lead to scientific and technological discoveries.

The facility would consist of an ion source, a linear accelerator, a proton accumulator ring and a research facility containing a liquid mercury target that will produce the neutron beams and a suite of neutron scattering instrumentation. It would initially operate at a beam power of
1 megawatt, with the potential for being upgraded in the future to 4 megawatts with a second accumulator ring and target. Congress appropriated $130 million for the project in fiscal year 1999 to continue research and development and to begin preliminary design and longlead procurements.

The knowledge from neutron scattering research has wide applications. For example, chemical companies use neutron scattering research to make better fibers, plastics and catalysts; drug companies use neutrons to design drugs with higher potency and fewer side effects; and automobile manufacturers use the penetrating power of neutrons to understand better how to cast and forge gears and brake discs. Research on magnetism using neutrons has led to higher strength magnets for more efficient electric generators and motors and to better magnetic materials for magnetic recording tapes and computer hard drives.

The draft EIS analyzes the potential environmental impacts from the proposed action (to

build and operate the Spallation Neutron Source at 1 megawatt, and then at 4 megawatts) and the no-action alternative of not building the facility. The draft EIS evaluates four alternative sites:
Oak Ridge National Laboratory in Tennessee (the preferred alternative), Argonne National Laboratory in Illinois, Brookhaven National Laboratory in New York and Los Alamos National Laboratory in New Mexico.

The draft EIS will be accessible via the department's National Environmental Policy Act Web Site at **http://tis.eh.doe.gov/nepa/**. General information on the project can be found at **http://www.ornl.gov/sns/**. Copies of the draft EIS can also be obtained from Mr. David Wilfert, SNS EIS Manager, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/SNS, Oak Ridge, TN 37831.

The department encourages all interested parties to provide comments on the draft EIS. Comments on the draft EIS may be submitted to Mr. Wilfert by mail at the above address, electronic mail (NSNSEIS@ornl.gov), telephone (8009279964), facsimile (4235764542) or at public meetings to be held at the four alternative sites. The department will consider all comments received or postmarked by February 8, 1999, in preparing the final EIS. Comments received after February 8 will be considered to the extent practicable.

Two public meetings, at 2 p.m. and 7 p.m., will be held at each location:

Date	**Location**
January 19, 1999	Department of Energy Los Alamos Area Office Main Conference Room (Rm. 100) 528 35th Street Los Alamos, NM
January 21, 1999	Brookhaven National Laboratory Berkner Hall (Bldg. 488) Brookhaven Avenue Upton, NY
January 25, 1999	Argonne National Laboratory Building 401 Advanced Photon Source, Rm. A1100 9700 South Cass Avenue Argonne, IL
January 28, 1999	American Museum of Science and Energy 300 South Tulane Avenue Oak Ridge, TN

(NOTE: The Oak Ridge date is a change from a previously publicized date.)

- DOE -

Back to Previous Page

R-98-197

Updated: 12/21/98

Appendix H

Examples of Public Comment Request and Comment and Response Documentation

Appendix H
Examples of Public Comment Request and Comment and Response Documentation

Department of Energy

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831—8218

December 16, 1998

Dear Citizen:

SPALLATION NEUTRON SOURCE PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT, DOE/EIS-0247

Enclosed for your review is the Department of Energy's Draft Environmental Impact Statement for the Spallation Neutron Source (DOE/EIS-0247). As established by the Energy Policy Act of 1992, the Department is responsible for planning, construction, and operation of user facilities to provide special scientific and research capabilities to serve the needs of our Nation's universities, industry, and private and Federal laboratories. Accordingly, the Department has proposed the Spallation Neutron Source (SNS) as a next-generation accelerator-based neutron scattering facility that would support the future scientific needs of a diverse community of researchers.

As required by the National Environmental Policy Act, the enclosed Draft Environmental Impact Statement (EIS) evaluates the potential environmental impacts associated with constructing and operating the proposed SNS at four alternative sites. The Department's preferred site for the SNS is Oak Ridge National Laboratory (ORNL) in Tennessee. In addition to ORNL, the Draft EIS analyzes alternative sites at: Argonne National Laboratory (ANL) in Illinois, Brookhaven National Laboratory (BNL) in New York, and Los Alamos National Laboratory (LANL) in New Mexico. A Record of Decision is planned for May 1999.

The Department encourages interested parties to provide comments on the Draft EIS. The comment period is from December 24, 1998, to February 8, 1999. The Department will consider all comments received or postmarked by February 8, 1999, in preparing the Final EIS; later comments will be considered to the extent practicable.

To facilitate public review, the Department of Energy will hold public meetings to receive comments on the Draft EIS during January 1999 as follows:

Date/Time	Location
January 19, 1999 2:00 PM and 7:00 PM	DOE Los Alamos Area Office Main Conference Room (Rm. 100) 528 35th Street Los Alamos, New Mexico 87544

Date/Time	Location
January 21, 1999 2:00 PM and 7:00 PM	Brookhaven National Laboratory Berkner Hall (Building 488) Brookhaven Avenue Upton, New York 11973
January 25, 1999 2:00 PM and 7:00 PM	Argonne National Laboratory Building 401 - Advanced Photon Source, Rm. A1100 9700 South Cass Avenue Argonne, Illinois 60439
January 29, 1999 2:00 PM and 7:00 PM	American Museum of Science and Energy 300 South Tulane Avenue Oak Ridge, Tennessee 37830

Written comments may be submitted to David Wilfert, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/SNS, Oak Ridge, Tennessee 37831; or by electronic mail to NSNSEIS@ornl.gov; or by facsimile at (423) 576-4542. Oral comments may be recorded by calling (800) 927-9964 or presented at the public meetings.

Thank you for your interest in the Department's scientific research activities.

Sincerely,

A. Lee Watkins, Project Manager
Spallation Neutron Source

Enclosure:

Department of Energy
Brookhaven Group
Building 464
P.O. Box 5000
Upton, New York 11973

MAY 2 6 1998

Mr. Clarence Hickey
NEPA Compliance Officer, ER-8
U.S. Department of Energy
19901 Germantown Road
Germantown, MD 20874-1290

Dear Mr. Hickey:

SUBJECT: COMMENTS ON THE SCOPE OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE HIGH FLUX BEAM REACTOR (HFBR) TRANSITION PROJECT

This letter provides you with an update on the status of the U.S. Department of Energy's (DOE) Environmental Impact Statement for the High Flux Beam Reactor Transition Project at Brookhaven National Laboratory.

The formal comment period for the scoping of the EIS began on November 24, 1997, and ended on January 23, 1998. During the formal comment period, three public meetings were held: December 10, 1997 in Mastic Beach, January 10, 1998 in Middle Island, and January 15, 1998 in Wading River. A total of 592 comments were received from stakeholders verbally at the public meetings, and from letters, faxes, e-mail, phone, and comment cards. All comments are being evaluated and the results will be provided in the HFBR Transition Project EIS Public Scoping Comments and Resolution Document which will be made available to the public. You will be informed by mail when the document is available.

The HFBR Transition Project EIS Public Scoping Comments and Resolution Document provides an overview of the purpose and guidelines for the development of the EIS, the scoping process and the results. All 592 comments will be included in the document as well as an explanation of how comments will be addressed in the EIS.

Many commentors stated they felt the Department should take more time to develop the HFBR Transition Project EIS to assure the quality of the document. The Department agrees, and the HFBR Transition Project EIS development schedule has been revised as follows:

Mr. Hickey: -2- MAY 26 1998

Milestone	Previous Date	Revised Date
Draft EIS Public Review/Comment Period	July - September 1998	November 1998 - January 1999
Final EIS Public Availability	November 1998	April 1999
Record of Decision	December 1998	May 1999

As these milestones approach, we will inform you by mail and public notice of the exact dates, meeting places, EIS document availability, and other related information.

Thank you for your participation in the development process for the Environmental Impact Statement for the future of the High Flux Beam Reactor.

Sincerely,

M. Holland

Michael D. Holland, Project Manager
HFBR Transition Project

Appendix H
Examples of Public Comment Request and Comment and Response Documentation

Department of Energy
Brookhaven Group
Building 464
P.O. Box 5000
Upton, New York 11973

January 12, 1999

Dear Stakeholder:

SUBJECT: HIGH FLUX BEAM REACTOR TRANSITION PROJECT ENVIRONMENTAL IMPACT STATEMENT

Because of your expressed interest in the Brookhaven National Laboratory High Flux Beam Reactor Transition Project, I am providing you with the U.S. Department of Energy's updated schedule for the research reactor's Environmental Impact Statement process.

During the Environmental Impact Statement scoping process a year ago, the community requested that the Department of Energy expand analysis of the research reactor's potential environmental impacts. In accommodating that request, we estimated that the draft Environmental Impact Statement would be available for public comment from November 1998 through January 1999. This would be followed by a final Environmental Impact Statement in May 1999 and a record of decision in June 1999.

To ensure that a comprehensive review is conducted, we have taken additional time for analysis and evaluation. We now expect the draft Environmental Impact Statement to be available for public review and comment from late February through early April 1999. You will be notified by mail of the comment period's exact dates. Those dates also will be published in the Federal Register and various Long Island newspapers. The final Environmental Impact Statement is expected to be published in July 1999 and the record of decision issued in August, 1999.

Thank you for your continued interest in the High Flux Beam Reactor Transition Project. If you would like more information about the research reactor, the Transition Project, or the Environmental Impact Statement process, please contact me at 516-344-3552 or mholland@bnl.gov.

Sincerely,

M. Holland

Michael D. Holland, Director
Project Management Division

Appendix H
Examples of Public Comment Request and Comment and Response Documentation

Department of Energy
Brookhaven Group
Building 464
P.O. Box 5000
Upton, New York 11973

February 12, 1999

Dear Stakeholder:

SUBJECT: HIGH FLUX BEAM REACTOR ENVIRONMENTAL IMPACT STATEMENT

This is a follow-up to my letter of January 12, 1999 regarding the schedule of the environmental impact statement for the High Flux Beam Reactor at Brookhaven National Laboratory. Based on stakeholder input in recent months, several changes have been made to the High Flux Beam Reactor environmental impact statement process. We believe these changes are improvements that will benefit all stakeholders interested in the decision about the future of this research reactor:

- A U.S. Department of Energy Headquarters review of the draft document last month determined that additional work was needed to address stakeholder comments made during the public scoping process. The additional work should take about one month to complete. The draft environmental impact statement is expected to be available for public review and comment in mid-April.

- Several stakeholders, including Congressman Michael Forbes, requested that the Department extend the public comment period for the draft environmental impact statement. Federal law mandates a minimum comment period of 45 days, but in response to Congressman Forbes and other stakeholders, Energy Secretary Bill Richardson has extended the public comment period to 90 days. Therefore, the public availability of the draft environmental impact statement is expected to be from mid-April through mid-July 1999. Consistent with this new schedule, the final environmental impact statement is expected to be published in mid-November and the Record of Decision in mid-December 1999.

- Secretary Richardson has also directed the Department to:

  1. *Provide the general public with access to information used in the development of the environmental impact statement* – That information will be made available to the general public.

2. *Establish a public reading room at BNL where the general public may review the draft environmental impact statement itself and the aforementioned EIS-related information.*

3. *Conduct a public information workshop in the environmental impact statement public comment period to present, describe and discuss the draft document* – The Department of Energy will conduct this public information workshop, which will be open to all. It will be held early in the public comment period of the draft environmental impact statement.

Of course, you will be notified by mail of the comment period's start and other pertinent dates. Also, the notice will be published in the Federal Register and various Long Island newspapers. The Department encourages interested parties to provide comments on the draft environmental impact statement by mail and/or e-mail. In preparing the final environmental impact statement, the Department will consider all comments received or postmarked by the end of the comment period. Later comments will be considered to the extent practicable.

Thank you for your continued interest in the High Flux Beam Reactor. If you have questions, issues or concerns you wish to discuss, please contact John Carter, our community/government relations manager (516-344-5195, jcarter@bnl.gov) or me (516-344-3552, mholland@bnl.gov).

Sincerely,

M. Holland

Michael D. Holland, Director
Project Management Division

DOE NEWS

NEWS MEDIA CONTACT:
Jeff Sherwood, 202/586-5806

FOR IMMEDIATE RELEASE
December 21, 1998

Spallation Neutron Source Draft Environmental Impact Statement Issued for Public Comment

The Department of Energy has issued a draft Environmental Impact Statement (EIS) for the construction and operation of the proposed Spallation Neutron Source, an accelerator-based neutron scattering facility that would support research in broad areas of physical, chemical, materials, biological and medical sciences. When completed in 2005, the facility would provide the U.S. scientific community with a neutron source having greater intensity, power and instrumentation than existing neutron sources.

The Spallation Neutron Source is being designed by a collaboration of five Energy Department laboratories led by Oak Ridge National Laboratory. The other four partners are Argonne National Laboratory, Brookhaven National Laboratory, Lawrence Berkeley National Laboratory and Los Alamos National Laboratory. The facility is expected to serve 1,000 - 2,000 scientists annually from universities, private industry and federal laboratories. The national facility would augment the research capabilities of current reactor-based neutron sources, help satisfy current and future demand for research neutrons and lead to scientific and technological discoveries.

The facility would consist of an ion source, a linear accelerator, a proton accumulator ring and a research facility containing a liquid mercury target that will produce the neutron beams and a suite of neutron scattering instrumentation. It would initially operate at a beam power of 1 megawatt, with the potential for being upgraded in the future to 4 megawatts with a second accumulator ring and target. Congress appropriated $130 million for the project in fiscal year 1999 to continue research and development and to begin preliminary design and long-lead procurements.

The knowledge from neutron scattering research has wide applications. For example, chemical companies use neutron scattering research to make better fibers, plastics and catalysts; drug companies use neutrons to design drugs with higher potency and fewer side effects; and automobile manufacturers use the penetrating power of neutrons to understand better how to cast and forge gears and brake discs. Research on magnetism using neutrons has led to higher strength magnets for more efficient electric generators and motors and to better magnetic materials for magnetic recording tapes and computer hard drives.

R-98-197 (MORE)

Printed with soy ink on recycled paper

U.S. Department of Energy • Office of Public Affairs • Washington, DC 20585

SPALLATION NEUTRON SOURCE

ENVIRONMENTAL IMPACT STATEMENT

RESULTS OF PUBLIC SCOPING

Department of Energy
Oak Ridge Operations Office
Oak Ridge, TN

TABLE OF CONTENTS

LIST OF TABLES

APPENDIX B
SUMMARIES OF SCOPING COMMENTS

Summaries of all the comments received during the public scoping period for the SNS EIS are presented in this appendix. A total of 61 individuals; representing 15 citizen's groups. 14 government organizations, one Native American pueblo, one educational institution, the electorate (four elected officials), and themselves; submitted comments during the public scoping period. A total of 152 individual oral and written comments, including the endorsements and resolutions in support of locating the SNS at ORNL, was received. These comments were analyzed and classified according to the 20 subject categories listed below:

- Air Quality
- Decontamination & Decommissioning
- Environmental Justice
- Health and Safety
- Miscellaneous
- Permitting
- Project Justification
- Siting Alternatives
- Technology Alternatives
- Utilities
- Water Resources
- Cumulative Impacts
- Department of Energy Credibility
- General Environmental
- Land Use
- NEPA Process
- Project Cost
- Resolutions and Endorsements
- Socioeconomics
- Transportation
- Waste Management

The following information is included in Table B-1:

Code: A unique identifier that allows the comment summary to be traced to the original comment. The code also identifies which location the comment was received from. i.e.: ORNL - Oak Ridge National Laboratory, ANL - Argonne National Laboratory, BNL - Brookhaven National Laboratory, LANL - Los Alamos National Laboratory, GNRL - outside of the national laboratory areas.

Comment Summary: A concise summary of the verbal or written comment. Comment summaries were derived directly from the written comment or from the transcripts of verbal comments.

EIS Ref. The section of the EIS in which the comment will be incorporated. Comments will not be addressed individually in the EIS. The scope of the EIS will incorporate all substantive comments.

Table B-1. Summaries of Scoping Comments.

No.	Code	Comment Summary	EIS Ref.
		Air Quality	
1	LANL-2	Include any beneficial impacts from the project that are going to make the air better.	4.1.2.3 4.2.2.3 4.3.2.3 4.4.2.3
2	ORNL-37	There should be no impact on air quality, except occasional minor radioactive releases that may add incrementally to those of other facilities in the area.	4.1.2.3 4.2.2.3 4.3.2.3 4.4.2.3
		Cumulative Impacts	
1	ORNL-26	The EIS should include a discussion of the cumulative environmental and economic impacts, both positive and negative.	4.6
2	BNL-5	The EIS should include an evaluation of the potential impact the SNS may have on CERCLA actions underway at BNL.	4.6
		Project Cost	
1	ORNL-1	Is the $1 billion cost of the SNS a conservative estimate?	3.2
2	LANL-6 LANL-9	The $1.3 billion to be spent on the SNS could be used to complete the clean up of DOE sites by 2006. The current resources to complete clean up by this date are insufficient.	2.2
3	LANL-9	Will money be a significant factor in eliminating certain SNS candidate sites from consideration and in selecting a final site?	See Note[1]
		Decontamination & Decommissioning	
1	ORNL-27	The EIS should include a discussion of the design life and decontamination and decommissioning plans for the facility.	3.2

[1]This comment relates to other factors concerning the SNS decision. The EIS is a means to integrate environmental values and amenities into early planning and decision making. The EIS is not a decision document. The DOE will publish a Record of Decision (ROD) after the final EIS that specifies and justifies the decisions on whether or not to build the SNS and where to build it.

U.S. DEPARTMENT OF ENERGY

MEMORANDUM

DATE January 15, 1998

REPLY TO Michael D. Holland, Project Manager
HFBR Transition Project

SUBJECT MINUTES OF THE HIGH FLUX BEAM REACTOR EIS SCOPING MEETING

TO K. Dean Helms, Executive Manager
Brookhaven Group

Enclosed are the Minutes of the second High Flux Beam Reactor EIS Scoping Meeting held on January 10, 1998 at the Longwood High School in Middle Island, New York.

If you have any questions, please contact Dr. Nand Narain, the EIS Document Manager, at extension 5435.

Enclosure:
As stated

cc: R. Hunter, NE-2, FORS, w/encl.
P. Dehmer, ER-10, GTN, w/encl.
I. Thomas, ER-13, GTN, w/encl.
M. Johnson, ER-80, GTN, w/encl.
R. Lange, NE-40, GTN, w/encl.
L. Jessee, EH-422, FORS, w/encl.
M. Hutmaker, NE-40, GTN, w/encl.
T. O'Connor, NE-40, GTN, w/encl.
C. Hickey, ER-8, GTN, w/encl.
S. Staten, ER-53, GTN, w/encl.
J. Kennedy, OM, CH, w/encl.
F. Crescenzo, BHG, w/encl.
I. Atney, BHG, w/encl.
G. Granzen, BHG, w/encl.
Transition Proj Team, BHG, w/encl.
W. Gunther, BNL, w/encl.
A. Queirolo, BNL, w/encl.
J. Barkwill, BNL, w/encl.
W. Brynda, BNL, w/encl.
J. Carelli, BNL, w/encl.
D. Ports, BNL, w/encl.
M. Lynch, BNL, w/encl.
R. Butler, BNL, w/encl.

Appendix H
Examples of Public Comment Request and Comment and Response Documentation

High Flux Beam Reactor
EIS Scoping Meeting No.2
Summary

On January 10, 1998, the second in a series of three EIS Scoping Meetings was held at the Longwood High School Auditorium in Middle Island, New York, from 1:00 p.m. to 4:00 p.m.

The Scoping Meeting was well attended by approximately 100 - 125 people, including representatives from DOE Headquarters, the Brookhaven Group, Brookhaven National Laboratory, the general public, the media, and representatives from local civic organizations. A total of 65 people signed in at the Registration Desk and 26 speakers signed up to give comments. Only 24 speakers actually provided comments.

Mr. K. Dean Helms, the Executive Manager for the Brookhaven Group, welcomed the audience and spoke briefly about the EIS process. Mr. Helms reiterated that at the present time, the DOE has NO preferred alternative. He referred the audience to copy's of Secretary Peña's letter to the Brookhaven community of December 10, 1997 (available in the lobby) in which the Secretary states that there is no preferred alternative at the present time. Following these introductory remarks, Mr. Helms introduced the other two panel members: Professor William Ginsberg, from Hofstra University School of Law, who served as Moderator, and Mr. Michael Holland, from the Department of Energy's Brookhaven Group, the EIS Project Manager. Mr. Helms next turned the meeting over to Professor Ginsberg, the Scoping Meeting Moderator.

Professor Ginsberg spoke about his background and qualifications for serving as moderator and then went over the ground rules for conducting the Scoping Meeting and what we hoped to accomplish. He then introduced Mr. Holland of the Department of Energy's Brookhaven Group.

Mr. Holland spoke about the EIS process and the schedule through to the Record of Decision. He also spoke of the publics' opportunity to stay involved in the process and their ability to comment along the way. Mr. Holland next went into a short technical discussion about the HFBR and the science that it provides. Following Mr. Holland's presentation, Professor Ginsberg opened the meeting to the floor for a short question and answer period to clarify any procedural questions about how to register comments.

Following a short break, Professor Ginsberg convened the formal comment portion of the Scoping Meeting to those who wished to speak. The audience was provided an opportunity to comment for a time period of approximately 2 1/2 hours with several short breaks spaced throughout the meeting.

Many of the people present were also at the first scoping meeting. The majority of people spoke for shutdown of the reactor without providing specific comments on issues or alternatives to be included in the EIS.

A number of commentors asked for detailed epidemiological and risk assessment studies by independent experts to resolve the issue of the health hazards associated with the HFBR. Approximately five people spoke on behalf of re-starting the HFBR. Four were current Laboratory employees but one individual favoring re-start stated that he was not associated with the Laboratory.

The registration desk was closed at approximately 3:20 p.m. because enough speakers had signed up to take the meeting to 4:00 p.m.. The Scoping Meeting was adjourned at 4:07 p.m.

PUBLIC SCOPING REPORT

Environmental Impact Statement for the High Flux Beam Reactor Transition Project at the Brookhaven National Laboratory

United States Department of Energy Brookhaven Group

September 1998

Appendix H
Examples of Public Comment Request and Comment and Response Documentation

Public Scoping Report, September 1998
High Flux Beam Reactor Transition Project
Environmental Impact Statement

Table of Contents

The draft EIS analyzes the potential environmental impacts from the proposed action (to build and operate the Spallation Neutron Source at 1 megawatt, and then at 4 megawatts) and the no-action alternative of not building the facility. The draft EIS evaluates four alternative sites: Oak Ridge National Laboratory in Tennessee (the preferred alternative), Argonne National Laboratory in Illinois, Brookhaven National Laboratory in New York and Los Alamos National Laboratory in New Mexico.

The draft EIS will be accessible via the department's National Environmental Policy Act Web Site at **http://tis.eh.doe.gov/nepa/**. General information on the project can be found at **http://www.ornl.gov/sns/**. Copies of the draft EIS can also be obtained from Mr. David Wilfert, SNS EIS Manager, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/SNS, Oak Ridge, TN 37831.

The department encourages all interested parties to provide comments on the draft EIS. Comments on the draft EIS may be submitted to Mr. Wilfert by mail at the above address, electronic mail (NSNSEIS@ornl.gov), telephone (800-927-9964), facsimile (423-576-4542) or at public meetings to be held at the four alternative sites. The department will consider all comments received or postmarked by February 8, 1999, in preparing the final EIS. Comments received after February 8 will be considered to the extent practicable.

Two public meetings, at 2 p.m. and 7 p.m., will be held at each location:

Date	**Location**
January 19, 1999	Department of Energy Los Alamos Area Office Main Conference Room (Rm. 100) 528 35th Street Los Alamos, NM
January 21, 1999	Brookhaven National Laboratory Berkner Hall (Bldg. 488) Brookhaven Avenue Upton, NY
January 25, 1999	Argonne National Laboratory Building 401 - Advanced Photon Source, Rm. A1100 9700 South Cass Avenue Argonne, IL
January 28, 1999	American Museum of Science and Energy 300 South Tulane Avenue *Oak Ridge, TN*

(NOTE: The Oak Ridge date is a change from a previously publicized date.)

R-98-197

-DOE-

Appendix I

Examples of Record of Decision Documentation

or minimize environmental harm that may result from implementing the Redevelopment Plan.

Accordingly, Navy will dispose of the surplus Federal property at Naval Air Station Barbers Point in a manner that is consistent with the State of Hawaii's Redevelopment Plan for the property.

Dated: June 17, 1999.

William J. Cassidy, Jr.,

Deputy Assistant Secretary of the Navy (Conversion And Redevelopment).

Dated: June 25, 1999.

Ralph W. Corey,

CDR, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 99–16691 Filed 6–29–99; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF ENERGY

Record of Decision for the Construction and Operation of the Spallation Neutron Source

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The Department of Energy (DOE) is issuing this Record of Decision (ROD) regarding DOE's proposal to construct and operate the Spallation Neutron Source (SNS). DOE has decided to proceed with construction and operation of a state-of-the-art Spallation Neutron Source facility at the preferred location, the Oak Ridge National Laboratory, Oak Ridge, Tennessee. This decision is based on the analysis contained in the ''Final Environmental Impact Statement for the Construction and Operation of the Spallation Neutron Source'' (SNS FEIS, DOE/EIS–0247, April 23, 1999).

ADDRESSES: Requests for copies of the Final EIS and this ROD should be directed to: Mr. David Wilfert, EIS Document Manager, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/SNS, Oak Ridge, TN 37831. Alternately, Mr. Wilfert may be contacted by telephone at (800) 927–9964, by fax at (423) 576–4542, or by email at NSNSEIS@ornl.gov.

FOR FURTHER INFORMATION CONTACT: For general information on the Spallation Neutron Source, contact: Mr. Jeff Hoy, SNS Program Manager, Office of Basic Energy Sciences (SC–13), Germantown, MD 20874–1290, telephone: (301) 903–4924, fax: (301) 903–9513, or email: Jeff.Hoy@science.doe.gov.

For general information on DOE's National Environmental Policy Act (NEPA) process, contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585, telephone: (202) 586–4600, fax: (202) 586–7031.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency (EPA) issued a Notice of Availability for DOE's Final Environmental Impact Statement on the Construction and Operation of the Spallation Neutron Source (Final EIS, DOE/EIS–0247) on April 23, 1999, (64 FR 19999). In the Final EIS, DOE considered the potential environmental impacts of its proposed action, the construction and operation of the SNS at four alternative sites: Oak Ridge National Laboratory (ORNL), Los Alamos National Laboratory (LANL), Argonne National Laboratory (ANL), and Brookhaven National Laboratory (BNL). The Department identified Oak Ridge as its preferred alternative site. DOE also considered a no action alternative under which the SNS would not be built. DOE has considered all of the comments it received during the public comment period. The Final EIS analyzed environmental impacts over the projected life of the facility, both operating at an initial power level of 1 megawatt (MW) and at the maximum potential upgrade power level of 4 MW.

Background

Scientific discoveries and the new technologies derived from neutron scattering research have contributed significantly to the development of new products in the international marketplace, such as: better magnetic materials for information storage media and for electric generators and motors; improved engine parts; better lubricants; strong, but light-weight structural materials; durable plastics; metallic glasses; semiconductors; adhesives; improved detergents; and new drugs. Neutron research and the associated scientific, engineering, and technological advances provide the catalyst for the development of commercial applications and support U.S. economic progress and competitiveness among the industrialized nations of the world. Construction of a next-generation spallation neutron source in the U.S. will provide a competitive edge for the nation in the physical, chemical, materials, biological, and medical sciences.

The U.S. needs a high-flux, short-pulsed neutron source to provide its scientific and industrial research communities with a much more intense source of pulsed neutrons for neutron scattering research than is currently available. The neutron science community has long recognized the need for both high-intensity, pulsed (accelerator-based) neutron sources and continuous (reactor-based) neutron sources. There are approximately 20 major neutron sources worldwide that produce neutron beams for materials research. The Organization for Economic Cooperation and Development (OECD) Neutron Science Working Group has identified a growing disparity between the worldwide need for neutron scattering research and the availability of facilities. The OECD Working Group estimated that as the oldest neutron sources continue to age, only about one-third of the present sources would remain available by 2010. For nearly a decade, the research community has regarded U.S. facilities as inferior to the newer and more extensively upgraded foreign facilities. The current generation of neutron sources in the United States has lower neutron beam intensities, lower operating powers, and less advanced measuring instruments, when compared to the current ''state-of-the-science'' (currently technologically feasible and desirable). Thus, next-generation neutron sources are needed not only to create new scientific and engineering opportunities, but also to replace out-dated capacity. Access to European and Japanese neutron sources by U.S. researchers and manufacturers is difficult, unreliable, and costly. The logistics of scheduling time and configuring instrumentation to conduct specialized experiments are prohibitive because of the commuting distances to these facilities. In addition, given the proprietary nature of much of the research desired by U.S. industry, its research cannot be carried out at foreign facilities. A 1 MW state-of-the-art facility like SNS would produce pulses five times more intense than the best spallation source in operation today, the ISIS facility in Great Britain.

Alternatives Considered and Evaluated

In the Final EIS, DOE proposed to construct and operate the SNS. DOE evaluated five alternatives for this proposed action:

1. Construct and operate the SNS at ORNL;
2. Construct and operate the SNS at LANL;
3. Construct and operate the SNS at ANL;
4. Construct and operate the SNS at BNL; and
5. No Action Alternative: Do not construct the SNS. The United States would continue to use existing neutron science facilities.

The Preferred Alternative

The Department's preferred alternative is to construct and operate the SNS at ORNL.

Environmental Impacts of Alternatives Evaluated

As demonstrated in the Final EIS, the construction and operation of the SNS is not expected to result in any unacceptable environmental consequences at any of the four candidate sites, though each site does have its own unique adverse environmental aspects. Of the alternative sites, ORNL has the fewest negative impacts. The SNS site at ORNL is adjacent to the Walker Branch Watershed, an environmental research area, and has the potential to degrade some data collection for ongoing atmospheric research by the National Oceanic and Atmospheric Administration/Atmospheric Turbulence and Diffusion Division (NOAA/ATDD) and ecological research by the ORNL Environmental Sciences Division. Some of these long-term environmental monitoring programs are important to our understanding of gradual global changes, like global warming, occurring in the atmosphere. SNS design features are available to mitigate these impacts; therefore, the SNS Project shall work with the research organizations (NOAA/ATDD and the ORNL Environmental Sciences Division) to identify and implement options to reduce or eliminate those negative impacts. This includes, but is not limited to, options identified in the Final EIS, e.g., sizing and location of cooling towers, waste heat recovery to offset the burning of natural gas, or the provision of alternative monitoring capability to the Walker Branch Watershed researchers. By contrast, negative environmental effects associated with the other three candidate sites are not so easily ameliorated. At Los Alamos, drawing cooling water from the sole-source aquifer could adversely impact the area water table; perhaps causing local residents and the White Rock community to increase their water well depth in order to sustain service. Additionally, the electric power supply and distribution system on the mesa would have to be upgraded to accommodate the added SNS load. At Argonne, the limited size of the reservation will make the maximally exposed individual closer to the radiological source term, and it offers fewer opportunities to compensate for the wetlands destroyed during construction of the SNS. At Brookhaven, the permeable soils and shallow sole-source aquifer would require significant and costly design features to mitigate the potential for degradation of the drinking water due to migration of activated soils.

Environmentally Preferable Alternative

The ''no action'' alternative has the least local adverse environmental impact on the sites analyzed; however, it may have greater long-term negative impact on the environment as a whole by depriving the country of future neutron science-based technology that might reduce other negative environmental impacts, e.g., lost fuel efficiency gains in vehicles, less efficient chemical processes, greater power transmission losses, etc. Neutron scattering science has provided many advanced materials, which make possible or contribute to improved quality of life, including protecting and improving the environment. Specific areas with the most direct value to environmental quality are: (1) Light-weight materials, (2) improved lubricants, (3) high temperature superconductors, and (4) new catalysts. Light-weight materials reduce motor vehicle and aircraft weight, thus reducing fuel requirements and attendant combustion product emissions. Improved lubricants reduce friction losses and wear in machinery, thus reducing the manufacture of replacements, and improving emissions performance during operation. High temperature superconductors allow improved energy efficiency in some devices and offer the possibility for more efficient power transmission, thus reducing energy production demands. Finally, catalysts have played a major role in pollution control devices (such as automobile catalytic converters), and neutron scattering is an important tool used in developing new catalysts. Thus, neutron based technology has historically been a benefit to the environment, and the SNS may well result in fewer environmental impacts than the no action alternative.

Construction and operation at any of the four alternative sites does have its own unique adverse environmental impact at the specific location. Of the action alternatives, the environmentally preferable site for the SNS is the ORNL reservation because it offers relatively minor impacts with comparatively easy and effective mitigation actions which will be addressed in a Mitigation Action Plan (MAP) as discussed later.

Review of the Final EIS

DOE distributed approximately 950 copies (200 full copies and 750 copies of the summary) of the Final EIS to members of Congress; Federal, State, and local government offices; Native American organizations; stakeholders; and public reading rooms. In addition, the document is available on the World Wide Web at the Environment, Safety and Health home page, http://nepa.eh.doe.gov/eis/eis0247/eis0247.html.

The U.S. Department of the Interior provided comments on the Draft EIS that were inadvertently omitted from the Final EIS. Generic concerns focused on protection of ground and surface water, and on continued and expanded project participation in consultation and permitting processes; and site-specific comments were offered for each candidate site. In a subsequent response letter, DOE agreed to address these comments in the selected alternative's MAP.

EPA provided comments on the Final EIS, indicating no objection to DOE proceeding with detailed design and site evaluation. However, EPA states that if these activities produce significant new information or adverse environmental impact, then DOE would prepare a supplemental EIS. EPA also identified groundwater concerns at ANL related to drinking water wells. Lastly, EPA provided comments regarding air quality modeling that would need to be addressed in the next phase of the project regardless of which site was selected.

Decision

DOE will proceed with the proposed action to construct and operate the SNS at the preferred location on the ORNL reservation.

Basis for Decision

The decision to proceed with construction and operation of the SNS is based on the significant scientific and economic benefits expected to be derived from the facility and the minimal environmental consequences associated with its construction and operation. Selection of the ORNL reservation as the site for the SNS is based on environmental and programmatic factors. First, while the environmental consequences for construction and operation of the SNS are not severe at any of the candidate locations, the ORNL reservation affords the combination of minimal impact and easiest mitigation for those consequences that do occur. A modest amount of wetland (0.23 acres) will be disturbed when constructing the facility access road. However, it is anticipated that the permitting process will not be complicated due to DOE's ability to

implement compensatory action on the ORNL reservation. Periodic degradation of the long-term environmental monitoring program on the Walker Branch Watershed is undesirable, but engineering solutions to reduce or eliminate those impacts are readily available.

Other Decision Factors

In addition to environmental factors, DOE considered the existing infrastructure for neutron science, cost of construction, and community support for the proposed action.

ORNL provides a unique and comprehensive set of scientific research infrastructure that will function in synergy with the SNS facility. The High Flux Isotope Reactor (HFIR) has long been a dominant location for thermal neutron scattering research; and that facility is currently being upgraded to provide cold neutron research capability. The combination of HFIR and SNS will provide the full spectrum of neutron research tools at one laboratory, thus allowing scientists to optimize on-site research during their time in Oak Ridge. ORNL maintains a staff of world-class neutron scattering scientists continuing the base neutron research programs initially developed at the laboratory in the early 1950's. The current cadre of technicians supporting neutron research at the HFIR will provide an experienced pool from which to develop that same capability for the SNS facility as it is brought into operation. In addition, ORNL also provides an important physical plant infrastructure to support the SNS. This includes a large reservation without significant adjoining population centers; ready availability of utilities and services to support facility operation and waste stream handling; and regional availability of a low-cost skilled labor pool for construction and operation of the SNS.

Construction on the ORNL reservation would require the least infrastructure upgrades and only minimal site specific environmental mitigation measures. At Los Alamos, it would be necessary to upgrade electric power supply and water supply/distribution systems to satisfy the incremental SNS needs. At Argonne, the limited space would require immediate restoration of an old Argonne waste burial ground, upgraded facility safety systems to ensure adequate protection to residents located very close to the facility, and extensive surface mitigation actions to address wetlands, floodplains, and a major traffic pattern disruption. At Brookhaven, close proximity of the sole-source aquifer and the highly permeable soil would require design modifications to ensure continuing separation of ground water from activated soil/shielding around large portions of the facility. The construction cost advantage at ORNL, due to lower upgrade and mitigation costs, could be offset to some degree by the possible application of Tennessee state sales and use taxes to the SNS construction project. Thus, based on construction costs, the preferred site at ORNL is at least as attractive as any of the alternative sites.

Tennessee State and local governments, as well as the local community, have expressed broad support for locating the SNS at Oak Ridge. Tennessee is actively demonstrating their support of neutron science activities in Oak Ridge by building a guest user facility, the Joint Institute for Neutron Science, on the ORNL reservation, and has committed to developing a neutron science program at the University of Tennessee in Knoxville.

Project Commitments and Mitigation Measures

The DOE shall use all practicable means to avoid or minimize environmental harm from the construction and operation of the SNS and will document specific steps to achieve this end in a Mitigation Action Plan (MAP). The Department will monitor its progress against the MAP to help ensure that it is properly implemented. Copies of the MAP will be made available in the local public reading rooms for information.

With ORNL having been selected as the site for the SNS, DOE will perform three-season surveys there to confirm the presence/absence of threatened and endangered species and archeological investigations to locate any historically sensitive areas. These studies will be performed before major land disturbance begins. The Department will fully assess any species or areas of concern that it identifies and will act to mitigate any adverse impacts to the extent practicable in compliance with governing regulatory agencies (U.S. Fish and Wildlife Service and the State of Tennessee).

Construction of the SNS on the ORNL reservation will result in damage or destruction of three small [a total of 0.23 acres (0.09 ha)] wetland areas to accommodate the facility access road. As conventional facility design evolves, the amount of impacted wetland shall be held to a minimum. During construction, DOE will comply with the requirements of the appropriate regulatory authority (the U.S. Army Corps of Engineers or the State of Tennessee) with respect to the affected wetlands. The Department will use runoff and siting controls during construction to restrict unnecessary damage to remaining wetland areas.

As changes evolve in facility design or as facility upgrade actions are proposed, the DOE shall revisit requirements of the National Environmental Policy Act (NEPA) to ensure continued compliance by the SNS.

Issued in Washington, D.C. this 18th day of June, 1999.

Bill Richardson,

Secretary of Energy.

[FR Doc. 99–16603 Filed 6–29–99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–562–000]

Destin Pipeline Company, L.L.C.; Notice of Request Under Blanket Authorization

June 23, 1999.

Take notice that on June 15, 1999, Destin Pipeline Company, L.L.C. (Destin), P.O. Box 2563, Birmingham, Alabama 35202–2563, tendered for filing in Docket No. CP99–562–000 a request pursuant to sections 157.205, 157.208, and 211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.208, and 157.211) for authorization to construct, install and operate a lateral pipeline and appurtenant facilities under Destin's blanket certificate issued in Docket Nos. CP96–657–000 and 001, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

The lateral would accommodate the transportation of natural gas production from a new production platform to be located in Main Pass Block 283 (Main Pass 283 Platform) for connection into Destin's 24-inch lateral line in Main Pass Block 279 (Main Pass 279) for ultimate delivery to downstream pipeline interconnections in southern and central Mississippi.

Specifically, Destin is proposing to construct, install and operate (i) approximately one thousand three hundred fifty (1,350) feet of 12-inch OD lateral pipeline from the Main Press 283 Platform to a subsea tap on Destin's existing 24-inch lateral in Main Pass 279, in Federal Waters, Gulf of Mexico;